

# HOUSE JOURNAL

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SEVENTY-EIGHTH LEGISLATURE, REGULAR SESSION

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## PROCEEDINGS

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SEVENTY-SEVENTH DAY — SUNDAY, MAY 25, 2003

The house met at 2 p.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 709).

Present — Mr. Speaker; Allen; Alonzo; Bailey; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Flores; Flynn; Gallego; Garza; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Heflin; Hegar; Hilderbran; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Luna; Mabry; Madden; Marchant; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Mercer; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Nixon; Noriega; Oliveira; Olivo; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Turner; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wolens; Wong; Woolley; Zedler.

Absent, Excused — Lewis; Smith, T.

Absent — Hill; Naishtat.

The invocation was offered by Dr. Jerry Hardwick, chaplain of the 4th Air Wing of the Texas State Guard, San Antonio, as follows:

Our Heavenly Father, we need thy grace for this hour. Therefore, we bow our heads and hearts before thee in humility. You have said you would draw near unto us if we humbly draw near unto you. Your word tells us that we can ask you for wisdom, and that if we ask in faith, we can expect that you will hear and answer our prayer. You have promised that if we ask, we will receive, if we seek, we shall find, and if we knock, the door will be opened unto us.

I pray that you would give these, our Texas representatives, wisdom beyond their years and skill beyond their own talents. Grant them insight, ingenuity, and creativity that they may understand and do thy good will toward us. Help these

men and women know what to do and what not to do. Lead them in the paths of righteousness for your name's sake—that they may lead us with integrity, honor, and courage.

We ask you for a divine hedge of protection over all our government, over our governor, and our president. For on this Memorial Day weekend, we are reminded that our liberty is free, but it is not cheap. We pray for those who have paid and are paying the cost for this freedom. We ask you to bless them and their families for us.

You tell us that the hearts of leaders are in your hands, and you are able to move their hearts even as you move the course of rivers. In the session today, let your Holy Spirit move in the hearts and minds of these leaders, so that as a result, we citizens may enjoy that life, liberty, and the pursuit of happiness with which you endow us.

Lord, you know what it is to carry a heavy burden, so you invite us to take your yoke upon us and to learn from you. Today, we cast our cares upon you because you do indeed care for us.

I pray these things in the name of your only begotten son, my Lord and Savior, Jesus Christ of Nazareth. Amen.

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Lewis on motion of Solomons.

The following member was granted leave of absence for today because of important business:

T. Smith on motion of Solomons.

The following member was granted leave of absence for the remainder of today because of important business:

Turner on motion of Giddings.

(Hill now present)

### **SCR 53 - ADOPTED (Eissler - House Sponsor)**

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **SCR 53**.

The motion prevailed without objection.

The following resolution was laid before the house:

**SCR 53**, Designating May 24, 2003, as Aviation Maintenance Technician Day in honor of Charles Edward Taylor.

**SCR 53** was adopted without objection.

(Seaman in the chair)

**HR 1431 - ADOPTED**  
**(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1431**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1431**, Honoring Grace Villarreal of San Antonio on her retirement from Mildred Baskin Elementary School.

**HR 1431** was adopted without objection.

**HR 1432 - ADOPTED**  
**(by Martinez Fischer)**

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1432**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1432**, In memory of Dr. Enrique M. Galan of San Antonio.

**HR 1432** was unanimously adopted by a rising vote.

**HR 1480 - ADOPTED**  
**(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1480**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1480**, Honoring Janice Cook for being named the Grapevine-Colleyville Independent School District's Secondary Teacher of the Year.

**HR 1480** was adopted without objection.

**HR 1481 - ADOPTED**  
**(by Truitt)**

Representative Truitt moved to suspend all necessary rules to take up and consider at this time **HR 1481**.

The motion prevailed without objection.

The following resolution was laid before the house:

**HR 1481**, Honoring Ollie Jo Bozeman of Elroy, president of the International Association of Administration Professionals.

**HR 1481** was adopted without objection.

(Naishtat now present)

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Bailey on motion of Rodriguez.

McClendon on motion of McReynolds.

The following member was granted leave of absence for the remainder of today because of family business:

Eiland on motion of McCall.

**CSSB 1835 - VOTE RECONSIDERED**

Representative Eissler moved to reconsider the vote by which **CSSB 1835** failed to pass to third reading on April 24.

The motion to reconsider prevailed.

**CSSB 1835 ON SECOND READING  
(Eissler - House Sponsor)**

**CSSB 1835**, A bill to be entitled An Act relating to testing for communicable diseases certain people who are arrested.

Representative Eissler moved to postpone consideration of **CSSB 1835** until 3 p.m. today.

The motion prevailed without objection.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Garza on motion of Rodriguez.

Hilderbran on motion of Keel.

**SB 597 - VOTE RECONSIDERED**

Representative Pitts moved to reconsider the vote by which **SB 597** was passed on April 24.

The motion to reconsider prevailed.

**SB 597 ON THIRD READING  
(Pitts and Flores - House Sponsors)**

**SB 597**, A bill to be entitled An Act relating to the regulation of certain companies that provide for-profit legal service contracts; providing penalties.

**Amendment No. 1**

Representative Pitts offered the following amendment to **SB 597**:

Amend **SB 597** in SECTION 1 of the bill by striking proposed Section 953.053(b), Occupations Code (house committee printing, page 5, line 25, through page 6, line 3), and substituting the following:

(b) In addition to the annual registration fee required by Subsection (a), the executive director shall annually collect from each company a fee equal to the difference between an amount equal to 1.7 percent of the amount a company collects for legal service contracts sold by the company in this state in the current year and the amount the company paid to the state in franchise taxes in the same year. The executive director shall establish a schedule and procedure for collecting this fee.

(Speaker in the chair)

Amendment No. 1 was adopted without objection.

**SB 597**, as amended, was passed.

### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence temporarily for today to attend a meeting of the conference committee on **HB 1**:

Heflin on motion of Solomons.

(Kuempel in the chair)

### **SB 894 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Grusendorf, the house granted the request of the senate for the appointment of a conference committee on **SB 894**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 894**: Grusendorf, chair; Dutton; Madden; Eissler; and Branch.

### **SB 283 - REQUEST OF SENATE GRANTED CONFERENCE COMMITTEE APPOINTED**

On motion of Representative Chisum, the house granted the request of the senate for the appointment of a conference committee on **SB 283**.

The chair announced the appointment of the following conference committee, on the part of the house, on **SB 283**: Chisum, chair; Driver; Eissler; Hamilton; and Guillen.

### **HB 2415 - CALLED FROM THE TABLE**

Representative Hopson moved to call **HB 2415** from the table.

The motion prevailed without objection.

### **HB 2415 - HOUSE REFUSES TO CONCUR IN SENATE AMENDMENTS CONFERENCE COMMITTEE APPOINTED**

Representative Hopson called up with senate amendments for consideration at this time,

**HB 2415**, A bill to be entitled An Act relating to the postjudgment interest rate.

Representative Hopson moved that the house not concur in the senate amendments and that a conference committee be requested to adjust the differences between the two houses on **HB 2415**.

The motion prevailed without objection.

The chair announced the appointment of the following conference committee, on the part of the house, on **HB 2415**: Hopson, chair; Solomons; Wise; J. Keffer; and Flynn.

### **HB 2533 - HOUSE CONCURS IN SENATE AMENDMENTS TEXT OF SENATE AMENDMENTS**

Representative B. Brown called up with senate amendments for consideration at this time,

**HB 2533**, A bill to be entitled An Act relating to the creation of Lake View Management and Development District in Henderson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

On motion of Representative B. Brown, the house concurred in the senate amendments to **HB 2533**.

#### **Senate Committee Substitute**

**HB 2533**, A bill to be entitled An Act relating to the creation of Lake View Management and Development District in Henderson County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. CREATION AND NAMING OF DISTRICT; CONTROLLING LAW. (a) The Lake View Management and Development District is created as a special district under Section 59, Article XVI, Texas Constitution.

(b) The board by resolution may change the district's name. The board shall give written notice of the change to the commission.

(c) The district is a unit of government for the purposes of Chapter 101, Civil Practice and Remedies Code, and operations of the district are considered to be essential governmental functions and not proprietary functions for all purposes, including the application of that chapter.

SECTION 2. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the district.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means the Lake View Management and Development District.

(4) "Improvement project" means a program or project authorized by Section 15 of this Act, inside or outside the boundaries of the district.

SECTION 3. BOUNDARIES. The district includes the land located in Henderson County that is described and defined by metes and bounds, as follows, to-wit:

BEING a 549.0 acre tract of land situated in the G. Martinez Survey, Abstract No. 481, Henderson County, Texas, and being comprised of nine (9) tracts of land as conveyed in six (6) deeds to Long Cove Ranch Company as follows: (1) Parcel 10C and Parcel 10D described as Tracts 10 C, 56.41 acres and 10 D, 54.86 acres in Volume 2158, Page 001, Deed Records, Henderson County, Texas, (2) Parcel 9 described as 140.0 acres in Volume 2143, Page 363, Deed Records, Henderson County, Texas, (3) Parcel 8 described as 100.0 acres in Volume 2030, Page 555, Deed Records, Henderson County, Texas, (4) Parcel 7 described as 40.72 acres in Volume 2030, Page 541, Deed Records, Henderson County, Texas, (5) Parcels 6A, 6B, and 6D described as 11.064 acres, 44.317 acres and 61.686 acres tracts respectively in Volume 1960, Page 595, Deed Records, Henderson County, Texas, and (6) portion of Parcel 4, the easterly 40 acres of the first tract described in Volume 1769, Page 768, Deed Records, Henderson County, Texas, and being more particularly described as follows:

BEGINNING at the intersection of the north line of Parcel 8 with the deeded 325 foot elevation take line of Cedar Creek Lake;

THENCE North 89 degrees 23 minutes 11 seconds East, along the north line of Parcel 8 , called the north line of Martinez Survey and the south line of Thomas Caro Survey, a distance of 654.83 feet to the northeast corner of said Parcel 8 and the northwest corner of Parcel 10C;

THENCE North 89 degrees 46 minutes 07 seconds East, along the north line of Parcel 10C, called the north line of said Martinez Survey, a distance of 1,203.86 feet to the northeast corner of said Parcel 10C;

THENCE South 00 degrees 47 minutes 49 seconds West, along the east line of Parcel 10 C, a distance of 2,418.84 feet to the southeast corner of said Parcel 10C;

THENCE South 88 degrees 14 minutes 18 seconds West, along the south line of Parcel 10 C, a distance of 1,175.96 feet to the southeast corner of Parcel 8;

THENCE South 88 degrees 53 minutes 14 seconds West, along the south line of Parcel 8, a distance of 1,254.61 feet to a point in the east line of Parcel 10D;

THENCE South 00 degrees 06 minutes 04 seconds East, along the east line of Parcel 10 C, a distance of 348.17 feet to the southeast corner of said Parcel 10 C and the northeast corner of Parcel 9;

THENCE South 00 degrees 06 minutes 04 seconds East, along the east line of Parcel 9, a distance of 2,520.78 feet to the southeast corner of said Parcel 9;

THENCE North 89 degrees 49 minutes 16 seconds West, along the south line of Parcel 9, a distance of 2,689.08 feet to the southwest corner of said Parcel 9 in the east line of Parcel 6 D;

THENCE South 00 degrees 33 minutes 24 seconds West, along the east line of Parcel 6 D, a distance of 51.64 feet to an angle point in said east line;

THENCE South 00 degrees 25 minutes 27 seconds East, continuing along the east line of Parcel 6 D, a distance of 1,844.44 feet to the southeast corner of said Parcel 6 D;

THENCE South 88 degrees 23 minutes 18 seconds West, along the south line of Parcel 6 D, a distance of 1,534.22 feet to southwest corner of said Parcel 6 D and the southeast corner of Parcel 4;

THENCE North 00 degrees 02 minutes 41 seconds East, crossing Parcel 4, a distance of 2,918.36 feet to the deeded 325 foot elevation take line of Cedar Creek Lake;

THENCE generally in a northeasterly direction with it's meanders along the deeded 325 foot elevation take line of Cedar Creek Lake to the PLACE OF BEGINNING and containing 549.0 acres of land more or less.

SECTION 4. FINDINGS RELATING TO BOUNDARIES. The boundaries of the district form a closure. A mistake in the name or spelling of a party to a deed or to the page or volume where filed in the deed records of Henderson County, or in the name of a survey or abstract, does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's right to enter into any type of contract for the purposes for which the district is created;
- (3) the district's right to impose, assess, or collect taxes, fees, or charges; or
- (4) the operation of the board or the district.

SECTION 5. LEGISLATIVE DECLARATIONS AND FINDINGS. (a) The legislature finds that all of the land and other property included in the district will benefit from the improvement projects and services to be accomplished by the district under powers conferred by Sections 52 and 52a, Article III, and Section 59, Article XVI, Texas Constitution, and the other powers granted under this Act, and the creation of the district is essential to accomplish the purposes of those provisions and to accomplish the other public purposes stated in this Act.

(b) The legislature further finds that the creation of the district:

- (1) is essential to the conservation and beneficial use of the water, land, soil, and other natural resources in or adjacent to the district;
- (2) is essential to further the public purposes of the economic development and diversification of the state, the elimination of unemployment and underemployment, and the stimulation and development of transportation and commerce;
- (3) will promote the health, safety, and general welfare of residents, employers, employees, and consumers in the district and in Henderson County and of the public; and
- (4) is in the public interest.

(c) The district's operations and the district's improvement projects will enable the district to preserve, maintain, and enhance the economic health and vitality of the area in the district as a community, residential, recreational, business, and commerce center. The district will further promote the health, safety, welfare, education, convenience, and enjoyment of the public by improving, landscaping, and developing certain areas in and adjacent to the district and providing public services and facilities in and adjacent to the district that are necessary for the restoration, preservation, enhancement, and enjoyment of scenic beauty.



SECTION 6. CONSTRUCTION OF ACT. (a) This Act shall be liberally construed in conformity with the findings and purposes stated in this Act.

(b) Chapter 311, Government Code, applies to this Act.

SECTION 7. GENERAL POWERS AND DUTIES. (a) The district has all of the powers and duties provided by the following:

(1) the general laws relating to conservation and reclamation districts created under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code, except that the district's bonds and other securities are not subject to the jurisdiction or supervision of the commission under Chapter 49, Water Code, or other law;

(2) the general laws relating to road districts and road utility districts created under Section 52(b), Article III, Texas Constitution, including Chapter 441, Transportation Code;

(3) Chapter 372, Local Government Code, in the same manner as a municipality or a county;

(4) Chapter 375, Local Government Code; and

(5) Section 4B, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes).

(b) A provision of this Act prevails over a provision of the general law that is in conflict or inconsistent with this Act.

SECTION 8. BOARD OF DIRECTORS; ELIGIBILITY. (a) Except as provided by Subsections (b) and (c) of this section, the district is governed by a board of five directors who serve staggered terms of four years.

(b) The following directors serve until March 1, 2008:

(1) Position One: Murray Holland

(2) Position Two: Scott Griffith

(3) Position Three: Thomas Corcoran

(4) Position Four: David Jaderlund

(5) Position Five: Robert Whitman

(c) The board shall hold an election to elect all directors on the uniform election day in February 2008. Persons elected to Positions One and Two serve terms expiring March 1, 2010. Persons elected to Positions Three, Four, and Five serve terms expiring March 1, 2012.

(d) Starting in 2010, the board shall hold an election on the uniform election day in February of an even-numbered year to elect directors to fill the positions the terms of which expire on March 1 of that year.

(e) Other than a director listed in Subsection (b) of this section, to be qualified to serve as a director a person must be at least 18 years of age and:

(1) reside in the district;

(2) own real property in the district;

(3) own at least 10 percent of the outstanding interest of a corporation or general or limited partnership that owns real property in the district; or

(4) be an agent, employee, officer, or director of a corporation, limited liability company, or partnership that owns real property in the district.

SECTION 9. VACANCY. A vacancy on the board shall be filled by appointment by the remaining members of the board of a person who meets the qualifications under Section 8(e) of this Act.

SECTION 10. DIRECTOR'S BOND; OATH. (a) As soon as practicable after a director is elected or appointed, the director shall execute a bond for \$10,000 payable to the district and conditioned on the faithful performance of the director's duties. The bond must be approved by the board.

(b) Each director shall take the oath of office prescribed by the constitution for public office.

(c) The bond and oath shall be filed with the district and the district shall retain the bond and oath in its records.

(d) The district shall pay the cost of a bond executed under Subsection (a) of this section.

SECTION 11. OFFICERS. The board shall elect a chair, a vice chair, and a secretary from its members.

SECTION 12. COMPENSATION. A director is not entitled to compensation for service on the board but is entitled to be reimbursed for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of a director.

SECTION 13. QUORUM. Three directors are a quorum. A concurrence of a majority of a quorum of the board shall be required for any official action of the district.

SECTION 14. DISTRICT CONFIRMATION ELECTION. (a) As soon as practicable after all initial directors have qualified for office, the initial directors shall hold an organizational meeting and call a confirmation election to be held not later than the second uniform election date occurring after the date of the organizational meeting.

(b) The confirmation election shall be called and held to confirm the establishment of the district in the manner provided by Subchapter D, Chapter 49, Water Code. If a majority of the votes cast at a confirmation election do not favor the creation of the district, the board may call succeeding elections on a uniform election date, but may not call another confirmation election sooner than six months after the date of the previous election.

(c) Before the district is confirmed at an election, the district may carry on any business as the board may determine except that the district may not borrow money or impose or assess a tax or an assessment.

SECTION 15. IMPROVEMENT PROJECTS. The district may provide, or it may enter into contracts with a governmental or private entity to provide, the following types of improvement projects or activities in support of or incidental to those projects:

(1) retail or wholesale water treatment, supply, and distribution facilities and systems to provide potable and nonpotable water to the residents and businesses of the district, including wastewater and sewerage collection and treatment facilities and systems, provided that treated effluent water resulting from any sewerage treatment facilities operated by or in the district may be used by the district for irrigation in the district;

(2) the provision of septic tank maintenance services inside or outside the district and of solid waste disposal services if the board determines the action to be necessary and appropriate to protect the district;

(3) macadamized, graveled, or paved roads, streets, and turnpikes, inside and outside the district to the extent authorized by Section 52, Article III, Texas Constitution;

(4) the planning, design, construction, improvement, and maintenance of:

(A) landscaping;

(B) highway right-of-way or transit corridor beautification and improvements;

(C) lighting, banners, and signs;

(D) streets or sidewalks;

(E) hiking and cycling paths and trails, pedestrian walkways, skywalks, crosswalks, or tunnels;

(F) parks, lakes, gardens, recreational and sports facilities, open space, scenic areas, and related exhibits and preserves;

(G) fountains, plazas, and pedestrian malls; and

(H) drainage or storm-water detention improvements;

(5) protection and improvement of the quality of storm water that flows through the district;

(6) the planning, design, construction, improvement, maintenance, and operation of:

(A) solid waste, water, sewer, or power facilities or services, including electrical, gas, steam, and chilled water facilities; or

(B) off-street parking facilities and heliports;

(7) the planning and acquisition of:

(A) public art and sculpture and related exhibits and facilities; and

(B) educational and cultural exhibits and facilities;

(8) the planning, design, construction, acquisition, lease, rental, improvement, maintenance, installation, and management of and provision of furnishings for facilities for:

(A) conferences, conventions, or exhibitions;

(B) manufacturer, consumer, or trade shows;

(C) civic, community, or institutional events; and

(D) exhibits, displays, attractions, special events, and seasonal or cultural celebrations and holidays;

(9) the removal, razing, demolition, or clearing of land or improvements in connection with any improvement project;

(10) the acquisition and improvement of land and other property for the mitigation of the environmental effects of any improvement project;

(11) the acquisition of property or an interest in property in connection with an authorized improvement project;

(12) any special or supplemental services for the improvement and promotion of the district or the areas adjacent to the district or for the protection of public health and safety within or adjacent to the district, including advertising,

promotion, tourism, health and sanitation, public safety, security, fire protection or emergency medical services, business recruitment, development, elimination of traffic congestion, and recreational, educational, or cultural improvements, enhancements, and services; and

(13) any similar public improvements, facilities, or services.

SECTION 16. POWERS RELATED GENERALLY TO CONTRACTS AND FINANCIAL MATTERS. (a) The district may:

(1) impose an ad valorem tax in accordance with Chapter 375, Local Government Code, on all taxable property in the district;

(2) impose an assessment or impact fee in the manner provided for a municipality or county under Chapter 372, Local Government Code, on all industrial, commercial, and residential property in the district;

(3) impose, assess, and apply the proceeds from a limited sales and use tax, and a hotel occupancy tax, as authorized by this Act;

(4) impose rates, fees, and charges for the use of any improvement project or the consumption of a product resulting from an improvement project;

(5) borrow money for district purposes by issuing or executing bonds, notes, credit agreements, or other obligations of any kind found by the board to be necessary or appropriate for district purposes;

(6) enter into a contract with any person for the accomplishment of any district purpose, including a contract for:

(A) the payment, repayment, or reimbursement of costs incurred by that person on behalf of the district, including all or part of the costs of an improvement project and interest on the reimbursed cost; or

(B) the use, occupancy, lease, rental, operation, maintenance, or management of all or part of a proposed or existing improvement project;

(7) apply for and contract with any person to receive, administer, and perform any duty or obligation of the district under a federal, state, local, or private gift, grant, loan, conveyance, transfer, bequest, donation, or other financial assistance arrangement relating to the investigation, planning, analysis, study, design, acquisition, construction, improvement, completion, implementation, or operation by the district or others of a proposed or existing improvement project;

(8) establish, revise, repeal, enforce, collect, and apply the proceeds from user fees or charges for the enjoyment, sale, rental, or other use of the district's facilities, services, properties, or improvement projects;

(9) provide or secure the payment or repayment of the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs of an improvement project or district contractual obligation or indebtedness by or through a lease, installment purchase contract, or other agreement with any person, or the imposition of taxes, user fees, concessions, rentals, or other revenues or resources of the district;

(10) establish user charges related to the operation of various public services, including public water supply services, for the collection and treatment of wastewater, and for the operation of storm-water facilities, including the regulation of storm water for the protection of water quality in the district, and for the provision of septic tank maintenance services inside and outside the district;

(11) undertake separately or jointly with other persons all or part of the cost of an improvement project, including an improvement project:

(A) for improving, enhancing, and supporting public safety and security, fire protection and emergency medical services, and law enforcement in and adjacent to the district; or

(B) that confers a general benefit on the entire district or a special benefit on a definable part of the district; and

(12) enter into tax abatement agreements in accordance with the general laws of the state authorizing and applicable to tax abatement agreements by municipalities.

(b) A contract the district enters into to carry out a purpose of this Act may be on any terms and for any period as the board may determine.

(c) A state agency, a municipality, Henderson County, any other political subdivision, a corporation, an individual, or any other entity may contract with the district to carry out the purposes of this Act without any further statutory or other authorization.

SECTION 17. RULES. The district may adopt rules:

(1) to administer or operate the district;

(2) for the use, enjoyment, availability, protection, security, and maintenance of the district's properties and facilities; or

(3) to provide for public safety and security in the district.

SECTION 18. ADDITION OR REMOVAL OF TERRITORY. The board may add, delete, or exclude territory in the manner provided by Subchapter J, Chapter 49, Water Code, as limited by Section 54.016, Water Code, except that:

(1) for purposes of this section, a reference in Subchapter J, Chapter 49, Water Code, or Section 54.016, Water Code, to a tax means an ad valorem tax;

(2) Section 54.016, Water Code, and Section 42.042, Local Government Code, do not apply to the district's annexation of land restricted primarily to commercial or business use;

(3) land may not be added or annexed to the district without the consent of the owners of the land; and

(4) land may not be removed or disannexed from the district at any time during which any bonds or other obligations of the district that are payable, in whole or in part, from ad valorem taxes are outstanding.

SECTION 19. EMINENT DOMAIN. (a) Within the boundaries of the district, the district may exercise the power of eminent domain for all public purposes.

(b) Outside the boundaries of the district, the district may exercise the power of eminent domain only for the purpose of constructing, acquiring, operating, repairing, or maintaining water supply lines or sanitary sewer lines.

(c) The district's power of eminent domain is exercised in the same manner as required for a county.

SECTION 20. NONPROFIT CORPORATION. (a) The district, by board resolution, may authorize the incorporation of a nonprofit corporation to assist and act for the district in implementing an improvement project or providing services authorized by this Act.

(b) The board shall appoint the board of directors of a nonprofit corporation created under this section. The board of directors of the nonprofit corporation shall serve in the same manner as, for the same term as, and on the same conditions as a board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code.

(c) A nonprofit corporation created under this section:

(1) has each power of and is considered for purposes of this Act to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement an improvement project and provide a service authorized by this Act and approved by the board.

SECTION 21. ECONOMIC DEVELOPMENT. The district may create economic development programs and exercise the economic development powers and authority that Chapter 380, Local Government Code, provides to a municipality with a population of more than 100,000, and Chapter 1509, Government Code, provides to any municipality.

SECTION 22. TERMS OF EMPLOYMENT; COMPENSATION. The board may employ and establish the terms of employment and compensation of an executive director or general manager and any other employees of the district the board considers necessary.

SECTION 23. USE OF ROADWAYS, PARKS, OTHER PUBLIC AREAS OF THE DISTRICT. (a) The board by rule may regulate the private use of public roadways, open spaces, parks, sidewalks, and similar public areas in the district. To the extent the rules of the district conflict with a rule, order, or regulation of Henderson County or the Tarrant Regional Water District, the rule, order, or regulation of the county or Tarrant Regional Water District controls. The rules may provide for the safe and orderly use of public roadways, open spaces, parks, sidewalks, and similar public areas or facilities.

(b) The board may require a permit for a parade, demonstration, celebration, entertainment event, or a similar nongovernmental activity in or on the public roadways, open spaces, parks, sidewalks, and similar public areas or facilities. The board may charge a fee for the permit application and for public safety or security services in an amount the board considers necessary.

(c) The board may require a permit or franchise agreement with a vendor, concessionaire, exhibitor, or similar private or commercial person or organization for the limited use of the area or facilities on terms and on payment of a permit or franchise fee the board may impose.

SECTION 24. ZONING BY COUNTY. (a) If requested by the district to exercise zoning powers, Henderson County may exercise, solely in the boundaries of the district, the zoning powers granted to counties in Subchapter E, Chapter 231, Local Government Code, without holding the election required by Section 231.075.

(b) If the county exercises zoning powers, the board shall exercise and perform the powers, duties, and functions of a lake planning commission under Section 231.077, Local Government Code.

(c) This section does not apply to land or facilities owned by the Tarrant Regional Water District.

SECTION 25. IMPACT FEES AND ASSESSMENTS. (a) The district may only impose impact fees and assessments in the manner provided by Chapter 372, Local Government Code, for a municipality, county, or public improvement district, according to benefits received by the property, including an impact fee or assessment on residential property.

(b) An impact fee for residential property must be for the limited purposes of providing capital funding for public water and wastewater facilities, for drainage and storm-water facilities, and for streets and alleys.

(c) The district may not impose an impact fee or assessment on the property, equipment, or facilities of a public utility provider.

SECTION 26. OPERATION AND MAINTENANCE TAX; ELECTION.

(a) The district may impose a tax for operation and maintenance purposes, including for funds for planning, constructing, acquiring, maintaining, repairing, and operating all necessary land, plants, works, facilities, improvements, appliances, and equipment of the district and for paying costs of services, engineering and legal fees, and organization and administrative expenses.

(b) An operation and maintenance tax may not be imposed until it is approved by the qualified voters in the district voting at an election held for that purpose. If a majority of the votes cast at the election approve the imposition of the tax, the board may impose the tax and have it assessed and collected in the same manner as other district taxes.

(c) An operation and maintenance tax election may be held at the same time and in conjunction with any other district election. The election may be called by a separate election order or as part of any other election order.

(d) The proposition in an operation and maintenance tax election may be for a specific maximum rate or for an unlimited rate.

(e) If the district has surplus operation or maintenance tax funds that are not needed for the purposes for which they were collected, the funds may be used for any authorized purpose.

(f) Sections 26.04, 26.05, and 26.07, Tax Code, do not apply to a tax levied and collected under this section or an ad valorem tax levied and collected for the payment of the interest on and principal of bonds issued by the district.

SECTION 27. TAX LEVY FOR BONDS AND OTHER OBLIGATIONS.

(a) At the time bonds or other obligations payable in whole or in part from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year while all or part of the bonds are outstanding; and

(2) the district shall annually assess and collect an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as it becomes due;

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date; and

(C) pay the expenses of assessing and collecting the taxes.

(b) Bonds or other obligations that are secured by and payable from ad valorem taxes may not be issued unless the bonds and the imposition of the taxes are approved by a majority of the voters in the district voting at an election held for that purpose.

(c) The district shall conduct an election required by this section in the manner provided by Subchapter L, Chapter 375, Local Government Code.

SECTION 28. LIMITED SALES AND USE TAX. (a) Words and phrases used in this section that are defined by Chapters 151 and 321, Tax Code, have the meanings assigned by Chapters 151 and 321, Tax Code.

(b) Except as otherwise provided in this section, Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code, apply to the taxes and to the administration and enforcement of the taxes imposed by the district in the same manner that those laws apply to state taxes.

(c) The district may adopt, reduce, or repeal the limited sales and use tax authorized by this section at an election in which a majority of the voters of the district voting in the election approve the adoption or the abolition of the tax, as applicable.

(d) The provisions of Subchapters C, D, E, and F, Chapter 323, Tax Code, relating to county sales and use taxes shall apply to the application, collection, and administration of a sales and use tax imposed under this section to the extent consistent with this Act, as if references in Chapter 323, Tax Code, to a county referred to the district and references to a commissioners court referred to the board. Sections 323.401-323.404 and 323.505, Tax Code, do not apply to a tax imposed under this section.

(e) A tax imposed under this section or the repeal or reduction of a tax under this section takes effect on the first day of the calendar quarter occurring after the date on which the comptroller receives the copy of the resolution as required by Section 323.405(b), Tax Code.

(f) On adoption of the tax authorized by this section, there is imposed a tax of two percent, or the maximum rate at which the combined tax rate of all local sales and use taxes in any location in the district does not exceed two percent, on the receipts from the sale at retail of taxable items within the district, and an excise tax on the use, storage, or other consumption within the district of taxable



items purchased, leased, or rented from a retailer within the district during the period that the tax is in effect. The rate of the excise tax is the same as the rate of the sales tax portion of the tax and is applied to the sales price of the taxable item.

(g) An election to authorize, reduce, or repeal a limited sales and use tax may be called by order of the board and must be held on the next available uniform election date that occurs 45 or more days after the date on which the order calling the election was passed. The district shall provide notice of the election and shall hold and conduct the election in the manner prescribed by Chapter 54, Water Code, for bond elections for municipal utility districts. The ballots shall be printed to provide for voting for or against the appropriate one of the following propositions:

(1) "Adoption of a \_\_\_\_ percent district sales and use tax within the district";

(2) "Reduction of the district sales and use tax within the district from \_\_\_\_ percent to \_\_\_\_ percent"; or

(3) "Abolition of the district sales and use tax within the district."

(h) If all or part of the territory of the district is annexed by a municipality that has adopted and is imposing a sales and use tax, the sales and use tax imposed by the district in the annexed territory shall be reduced, if required, in even multiples of one-eighth percent, and without the necessity for an election, so that the combined rate of all sales and use taxes imposed by Henderson County, the annexing municipality, and all other political subdivisions within the annexed territory of the district will not exceed two percent, except that:

(1) a sales and use tax previously adopted by the district for the annexed territory may not be reduced to less than one-half percent; and

(2) a reduction of the district's sales and use tax in the portions of the district that are not annexed is not required.

(i) A tax imposed under this section or the reduction or repeal of a tax under this section takes effect on the first day of the calendar quarter occurring after the date on which the comptroller receives the notice required by Section 323.405(b), Tax Code.

(j) Not later than the 10th day after the date of the annexation or exclusion of territory by the district or the annexation of all or part of the territory of the district by a municipality requiring a reduction of the district's sales and use tax as provided by Subsection (h) of this section, the board shall send to the comptroller, by certified or registered mail, certified copies of all resolutions, orders, or ordinances pertaining to the annexation or exclusion of the territory by a district or municipality.

(k) The district may examine and receive information related to the imposition, assessment, and collection of sales and use taxes to the same extent as if the district were a municipality.

SECTION 29. HOTEL OCCUPANCY TAX. (a) In this section, "hotel" has the meaning assigned by Section 156.001, Tax Code.

(b) The board by order may impose, repeal, or increase or decrease the rate of a tax on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to

use or possess a room that is in a hotel located in the boundaries of the district, costs \$2 or more each day, and is ordinarily used for sleeping. The amount of the tax may not exceed seven percent of the price paid for a room in a hotel.

(c) Except as inconsistent with this section, Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized under this section, including the collection of the tax, subject to the limitations prescribed by Sections 352.002(b) and (c), Tax Code.

(d) The district may examine and receive information related to the imposition, assessment, and collection of hotel occupancy taxes to the same extent as if the district were a municipality.

(e) For purposes of this section, a reference in Subchapter A, Chapter 352, Tax Code, to a county is a reference to the district and a reference in Subchapter A, Chapter 352, Tax Code, to the county's officers or governing body is a reference to the board.

**SECTION 30. USE OF HOTEL OCCUPANCY TAX.** (a) The district shall apply the proceeds from a hotel occupancy tax imposed under this Act for any of the district's purposes and for the purposes described by Section 352.1015, Tax Code, to the extent considered appropriate by the board.

(b) During each interval of three calendar years following the date on which a hotel occupancy tax imposed under this section is initially collected, the board may not apply an annual average of more than 10 percent of the amount of tax collected under Section 29 of this Act, excluding any interest earnings or investment profits and after a deduction for the costs of imposing and collecting the taxes, for the administrative expenses of the district or a district purpose other than:

(1) the costs of advertising and promoting tourism; or

(2) the costs of business development and commerce, including the costs of planning, designing, constructing, acquiring, leasing, financing, owning, operating, maintaining, managing, improving, repairing, rehabilitating, or reconstructing improvement projects for conferences, conventions, and exhibitions, manufacturer, consumer, or trade shows, and civic, community, or institutional events.

(c) For purposes of this section, a reference in Subchapter B, Chapter 352, Tax Code, to a county is a reference to the district and a reference in Subchapter B, Chapter 352, Tax Code, to the county's officers or governing body is a reference to the board.

**SECTION 31. BONDS AND OTHER OBLIGATIONS.** (a) The district may issue bonds in the manner provided by Subchapter J, Chapter 375, Local Government Code, except that Sections 375.207 and 375.208 do not apply to bonds issued under this Act.

(b) In addition to the sources of money described by Subchapter J, Chapter 375, Local Government Code, the bonds of the district may be secured and made payable, wholly or partly, by a pledge of any part of the net proceeds the district receives from the sales and use tax and the hotel occupancy tax authorized by this Act and from any other district revenues.

SECTION 32. DISSOLUTION. (a) Except as provided by Subsection (b) and the terms of a joint development and operating agreement, the board:

- (1) may dissolve the district by majority vote; and
- (2) shall dissolve the district on receipt of a written petition requesting dissolution signed by the owners of 75 percent of the acreage of real property in the district.

(b) The board may not dissolve the district until the district's outstanding indebtedness or contractual obligations have been repaid or discharged.

(c) After the board dissolves the district, the board shall transfer ownership of all property and assets of the district to Henderson County.

SECTION 33. ADDITIONAL LEGISLATIVE FINDINGS. The legislature finds that:

(1) proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor, who has submitted the notice and Act to the commission;

(2) the commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time;

(3) the general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with; and

(4) all requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 34. EFFECTIVE DATE. This Act takes effect February 15, 2004.

#### **Senate Amendment No. 1 (Senate Floor Amendment No. 1)**

Amend **CSHB 2533** on page 8, line 11, between "provider" and ".", insert "or a cable operator as defined by 47 U.S.C. Section 522, as amended".

#### **POSTPONED BUSINESS**

The following bills and resolutions were laid before the house as postponed business:

#### **HCR 58** **(by Delisi)**

**HCR 58**, Urging Congress to enact legislation to pass federal funds on to states via block grants for public welfare and Medicaid purposes.

**HCR 58** was read second time on May 24 and was postponed until 2 p.m. today.

(Geren in the chair)

A record vote was requested.

**HCR 58** was adopted by (Record 710): 90 Yeas, 45 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Edwards; Eissler; Elkins; Ellis; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Marchant; McCall; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Capelo; Castro; Chavez; Coleman; Deshotel; Dukes; Dutton; Escobar; Farabee; Farrar; Gallego; Giddings; Guillen; Hochberg; Hodge; Homer; Jones, J.; Laney; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Davis, Y.; Dunnam; Flores; Luna.

### **BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 46).

(Speaker in the chair)

#### **SB 1835 ON SECOND READING (Eissler - House Sponsor)**

**SB 1835**, A bill to be entitled An Act relating to testing for communicable diseases certain people who are arrested.

**SB 1835** was read second time earlier today and was postponed until 3 p.m. today.

#### **Amendment No. 1**

Representative Eissler offered the following amendment to **SB 1835**:

Amend **SB 1835** in SECTION 1 of the bill, in amended Article 18.22(a), Code of Criminal Procedure (House committee printing, page 1, line 7), by striking "misdemeanor or".

Amendment No. 1 was adopted without objection.

**SB 1835**, as amended, was passed to third reading. (Thompson recorded voting no)

**CSSB 297 ON SECOND READING**  
**(Hamric - House Sponsor)**

**CSSB 297**, A bill to be entitled An Act relating to a firefighters' relief and retirement fund in certain municipalities.

**CSSB 297** was read second time on May 24 and was postponed until 2 p.m. today.

**CSSB 297** was passed to third reading.

**CSSB 1108 ON SECOND READING**  
**(Grusendorf - House Sponsor)**

**CSSB 1108**, A bill to be entitled An Act relating to academic achievement in public schools.

**CSSB 1108** was read second time on May 24, amended, and was postponed until 2 p.m. today.

Amendment No. 9 was pending at the time of postponement.

Amendment No. 9 was adopted without objection.

**Amendment No. 10**

Representative Ellis offered the following amendment to **CSSB 1108**:

Amend **CSSB 1108** (House committee report) by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS appropriately:

SECTION \_\_\_\_\_. Section 39.027, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The commissioner may appoint an advisory committee to study exemptions from and adopt recommendations for reading assessment instruments under this chapter, other than exemptions described by Subsection (b), for dyslexic students. The State Board of Education may adopt the recommendations of the advisory committee. The advisory committee appointed under this subsection must include:

- (1) a person involved in public education;
- (2) a medical specialist familiar with the diagnosis and treatment of dyslexic students; and
- (3) an advocate for dyslexic students.

Amendment No. 10 was adopted without objection.

**Amendment No. 11**

Representative Olivo offered the following amendment to **CSSB 1108**:

Amend **CSSB 1108** by adding the following new SECTIONS to the bill, appropriately numbered, and by renumbering the subsequent SECTIONS of the bill accordingly:

SECTION \_\_. Sections 28.025(a), (c), and (d), Education Code, as amended by Chapters 187 and 834, Acts of the 77th Legislature, Regular Session, 2001, are amended and reenacted to read as follows:

(a) The State Board of Education by rule shall determine curriculum requirements for the minimum, recommended, and advanced high school programs that are consistent with the required curriculum under Section 28.002.

(c) A person may receive a diploma if the person is eligible for a diploma under Section 28.0251. In other cases, a ~~[A]~~ student may graduate and receive a diploma only if:

(1) the student successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) and:

(A) complies with Section 39.025(a); or

(B) meets the alternative graduation criteria prescribed under Section 28.0252; or

(2) the student successfully completes an individualized education program developed under Section 29.005.

(d) A school district may issue a certificate of coursework completion to a student who successfully completes the curriculum requirements identified by the State Board of Education under Subsection (a) but who fails to comply with Section 39.025(a) or the alternative graduation criteria under Section 28.0252. A school district may allow a student who receives a certificate to participate in a graduation ceremony with students receiving high school diplomas.

SECTION \_\_. Subchapter B, Chapter 28, Education Code, is amended by adding Section 28.0252 to read as follows:

Sec. 28.0252. ALTERNATIVE GRADUATION CRITERIA. (a) The commissioner by rule shall prescribe alternative graduation criteria that a student may meet to graduate and receive a diploma without complying with Section 39.025(a). The alternative graduation criteria must be compensatory criteria. The alternative graduation criteria must include a student's:

(1) grade point average beginning in grade 9;

(2) current class ranking;

(3) performance on the individual assessment instruments specified in Section 39.025(a);

(4) combined scores, using only the student's highest scores, on the assessment instruments specified in Section 39.025(a); and

(5) overall academic performance beginning in grade 9, as evaluated by two or more of the student's teachers.

(b) A committee composed of the student's high school principal or the principal's designee and two certified teachers in the student's school district who teach at the high school level shall determine whether a student who has not complied with Section 39.025(a) has met the alternative graduation criteria prescribed under Subsection (a). The commissioner shall adopt rules relating to the selection and operation of a committee under this subsection, including the

method by which the committee must notify the student and the student's high school registrar, or the person performing the duties of a registrar, of the committee's decision.

(c) A committee established under Subsection (b) shall determine whether a student who has not complied with Section 39.025(a) has met the alternative graduation criteria prescribed under Subsection (a):

(1) following the first administration to the student of the assessment instruments specified in Section 39.025(a);

(2) on written request of the student's parent or guardian, not more than one time in each school year following the school year in which the assessment instruments specified in Section 39.025(a) are first administered to the student; and

(3) when the principal of the student's high school, or the principal's designee, determines that the student is within one month of completing each requirement for a high school diploma other than compliance with Section 39.025(a).

SECTION \_\_. (a) Section 28.025, Education Code, as amended by this Act, and Section 28.0252, Education Code, as added by this Act, apply beginning with the 2004-2005 school year.

(b) Not later than June 1, 2004, the commissioner of education shall adopt rules as required by Sections 28.0252(a) and (b), Education Code, as added by this Act.

Amendment No. 11 was adopted without objection.

**CSSB 1108**, as amended, was passed to third reading. (D. Jones recorded voting no)

### **CSSB 422 ON SECOND READING (Smithee - House Sponsor)**

**CSSB 422**, A bill to be entitled An Act relating to requirements regarding motor vehicle insurance and proof of financial responsibility; providing penalties.

**CSSB 422** was read second time on May 24 and was postponed until 2 p.m. today.

#### **Amendment No. 1**

Representative Smithee offered the following amendment to **CSSB 422**:

Amend **CSSB 422** as follows:

(1) In SECTION 1.01 of the bill, in added Section 601.504(a)(1), Transportation Code (Committee printing page 5, line 25), strike lines 24 and 25, and renumber accordingly.

(2) In SECTION 1.01 of the bill, in added Section 601.505(a)(1), Transportation Code (Committee printing page 7, line 1), strike lines 1 and 2 and renumber accordingly.

(3) In SECTION 1.01 of the bill, in added Section 601.506(c), Transportation Code (Committee printing page 8, line 17), strike "not less than \$500 or more than \$750" and substitute "not less than \$250 or more than \$400".

(4) In SECTION 1.03 of the bill, in amended Section 601.191(b), Transportation Code (Committee printing page 9, line 21), strike "not less than \$200 [~~\$175~~] or more than \$375 [~~\$350~~]" and substitute "not less than \$200 [~~\$175~~] or more than \$375 [~~\$350~~]".

(5) In SECTION 1.03 of the bill, in added Section 601.191(d), Transportation Code (Committee printing page 10, line 6), strike "\$350" and substitute "\$200".

(6) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 502.104, Transportation Code, is amended to read as follows:

Sec. 502.104. DISPOSITION OF CERTAIN SPECIAL FEES. Each Monday a county assessor-collector shall send to the department an amount equal to collections for the preceding week for:

(1) each transfer fee collected under Section 502.175; and

(2) each fee collected under Section 502.169(b), 502.1715, or 502.279.

SECTION \_\_\_\_\_. Subchapter D, Chapter 502, Transportation Code, is amended by adding Section 502.1715 to read as follows:

Sec. 502.1715. ADDITIONAL FEE FOR MOTOR VEHICLE FINANCIAL RESPONSIBILITY VERIFICATION PROGRAM. (a) In addition to other fees imposed for registration of a motor vehicle, at the time of application for registration or renewal of registration of a motor vehicle for which the owner is required to submit evidence of financial responsibility under Section 502.153, the applicant shall pay a fee of \$1.

(b) Fees collected under this section shall be deposited to the credit of the state highway fund. The department shall use money appropriated from the state highway fund that represents those fees to administer Subchapter N, Chapter 601, and Section 601.081.

Amendment No. 1 was adopted without objection.

## **Amendment No. 2**

Representative Smithee offered the following amendment to **CSSB 422**:

Amend **CSSB 422** as follows:

(1) On page 1, line 6, insert new SECTION 1.01 and renumber subsequent SECTIONS appropriately to read as follows: SECTION. 1.01. Chapter 601, Transportation Code is amended by adding section 601.010 to Subchapter A to read as follows: Sec. 601.010. Leased Vehicle. In applying the requirements of this Chapter to a situation in which the vehicle is subject to a written lease which had an original term of one year or longer and the person who has legal title to the vehicle does not have actual physical possession of the vehicle at the time the requirement applies, the requirements and fees of this chapter otherwise applicable to an owner or to a person who registers or renews registration of a vehicle shall instead apply to the lessee and not to the person who holds legal title to the vehicle or who owns the lease. However, in that situation the person who holds legal title to the vehicle shall promptly, upon receipt from the Department or its designated agent of a request for information about the motor vehicle and



the owner's method of establishing financial responsibility, provide to the Department or its designated agent the name of the lessee and the last known address of the lessee according to the titleholder's records. The civil and criminal penalties of this chapter which otherwise are applicable to owners or to a person who registers the vehicle or to the vehicle shall not apply to an owner or the vehicle of an owner which complies with this section, but shall instead apply to the lessee, and the Department shall not terminate the registration of an owner's vehicle which is subject to a lease described in this section.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative McReynolds offered the following amendment to **CSSB 422**:

Amend **CSSB 422** by striking all below the enacting clause and substituting the following:

SECTION 1. If a peace officer stops a person who does not provide proof of valid liability insurance, the peace officer may remove the license plates of the vehicle being driven by the person. The person may not get their license plates back unless they provide valid proof of insurance and pay a fine of \$100.

SECTION 2. This Act takes effect September 1, 2003.

(McCall in the chair)

Amendment No. 3 was withdrawn.

### **Amendment No. 4**

Representative Hegar offered the following amendment to **CSSB 422**:

Amend **CSSB 422** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 601, Transportation Code, is amended by adding Section 601.0521 to read as follows:

Sec. 601.0521. SEASONAL EXCEPTION FOR CERTAIN FARM VEHICLES. (a) In this section, "road tractor," "truck-tractor," "farm tractor," "farm trailer," and "farm semitrailer" have the meanings assigned by Section 502.001.

(b) During a season when the vehicle is not in use, Section 601.051 does not apply to a road tractor, truck-tractor, farm tractor, farm trailer, or farm semitrailer used exclusively to transport seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, or storage.

(c) The designated agent may send a notice under Section 601.444 to the owner of a vehicle to which this section applies only during a season when the vehicle is in use.

(d) The department by rule shall provide a method of determining the season when a vehicle to which this section applies is in use.

Amendment No. 4 was adopted without objection.

**Amendment No. 5**

Representative Wise offered the following amendment to **CSSB 422**:

Amend **CSSB 422** (House Committee Printing) as follows:

(1) Strike added Section 601.506, Transportation Code (page 8, lines 4 through 23).

(2) Renumber existing Sections of added Subchapter N, Chapter 601, Transportation Code, as appropriate.

Representative Smithee moved to table Amendment No. 5.

The motion to table prevailed.

**Amendment No. 6**

Representative Coleman offered the following amendment to **CSSB 422**:

Amend **CSSB 422** by adding the following appropriately numbered SECTION to the bill and renumbering the subsequent SECTIONS appropriately:

Sec. 502.1716. DEPOSIT OF CERTAIN FUNDS. Any amounts remaining after the required deposit of fees under this chapter must be deposited to the to the credit of the children's health insurance program account in the general revenue fund and may be appropriated only to the Health and Human Services Commission for the child health plan program under Chapter 62, Health and Safety Code.

**SB 422 - STATEMENT OF LEGISLATIVE INTENT****Amendment No. 6**

REPRESENTATIVE WOHLGEMUTH: Mr. Coleman, if we're going to put these monies anywhere, what about the trauma fund?

REPRESENTATIVE COLEMAN: Well, let me tell you. We have the other bill that's putting the money into trauma, Mr. Krusee's bill, which I think does a great deal to do that. And I think that's important. One of the problems we have is, we're going to create more emergency room use through the 130,000 kids that are going to lose their Children's Health Insurance Program coverage. So, we exacerbate the problem in our trauma centers by creating more uninsured people in Texas.

WOHLGEMUTH: Are you aware that that particular bill is kind of in trouble in the senate, on the trauma funding?

COLEMAN: Well, you know, the issue here is, this money has a match if it's put into the Children's Health Insurance Program. And I don't see anybody that's presented a trauma amendment. But the difference here is that, in this particular situation, we've left a current program in state government short of the appropriate funding to keep it whole. And so, since we're able to find money for everything else—we've been able to find money for roads a couple of times, we've got, in the bill that Mr. Swinford's doing—we're going to tax used cars, we're going to do a whole lot of things. We're finding money, and I don't understand why we can't find money to fund health insurance for children.

WOHLGEMUTH: Well, we are funding up to 200 percent of poverty.

COLEMAN: No, but you—you've cut the benefits package and you put a 90-day waiting period in, that cuts 130,000 kids off the program. That's why it has a savings. I'm trying to make sure that we put those 130,000 kids back and that we make sure that they have mental health coverage and dental coverage under the plan. I don't understand why we need to take that away from kids, and still do \$295 million in another fund, or raise money through this fund and not take care of the kids. People keep saying we don't have any money, and money keeps popping up all over the place. But it doesn't go to the kids, Ms. Wohlgemuth.

WOHLGEMUTH: Well, as a matter of fact, we did fund the majority of the kids in that program. But the point is, that we need to—

COLEMAN: You cut 130,000 kids, Ms. Wohlgemuth. You cut 130,000 kids.

WOHLGEMUTH: I think we did a very good job of getting the most money to the neediest kids. But the trauma program, as you are aware in your own Harris County, the trauma program—

COLEMAN: You still cut 130,000 kids.

WOHLGEMUTH: So if we're going to keep our trauma in place, around the state—

COLEMAN: Are you embarrassed about that?

WOHLGEMUTH: I think we have an obligation to our citizens to provide that care.

COLEMAN: Are you embarrassed about the fact that you cut 130,000 kids?

WOHLGEMUTH: Nope. Not at all.

COLEMAN: I know. So, why not put—so, you're saying that you don't care that you cut 130,000 kids off of health coverage?

WOHLGEMUTH: What I'm saying is that I think that trauma is a more serious need—

COLEMAN: You think that's an appropriate thing to do? I'm asking, I mean, if that's the appropriate thing to do, I mean, you tell me. It seems like that's what you've agreed to. You also put an asset test on CHIP. And so, the thing I'm trying to say is, we had a program, and we've been able to find money for everything else. But we can't bring this program back to where it is now. Just like we can't bring the teachers back to their \$1,000 amount that we pay them. We cut them to 500, the other folks to 250. People seem to be finding money. I'm just trying to direct it to something worthwhile.

WOHLGEMUTH: The issue is our priorities. And I think that there are priorities for needier places than the CHIP program.

COLEMAN: Well, I'm going to tell you. One of the things I'm really glad you all did is—even though you cut the hours in the frail and elderly program, at least you put that program back for the aged and disabled. And I think that's great, and I applaud you all. But the thing you haven't done, and I want people to

know, is put CHIP back to the way it was before this session started. And I'm trying to do my little part, since we're going to deal with insurance, that the insurance in this bill—the people who don't have it—help pay for children who don't have it. And I think that's very appropriate.

WOHLGEMUTH: The amount of money that we were able to put into trauma, even through Representative Delisi's proposal, does not meet the need that we have in trauma funding.

COLEMAN: Well, you know what? That's 100—let me tell you a real good proposal for that. Because if you've got \$90-\$100 million, if you run that through both the CHIP rates and the Medicaid rates for outpatient hospital, you get a two point seven five percent match, and a one point something under the new F-match. And you can make that money go further, all across the state—in the emergency rooms across the state. And so that can be handled very easily. I don't understand why anybody hasn't thought of that because it makes sense. But there's still going to be 130,000 kids without health insurance that have it now, based on the actions of the conference committee on the budget. And I think—I want to make sure that people understand that. And if we're going to raise money, let's raise money to deal with those kids.

WOHLGEMUTH: Those are probably the same 130,000 that had insurance before CHIP, that dropped it in favor of it.

COLEMAN: See what's great about you, Arlene? You always want to blame somebody, and you don't want to take responsibility for the fact that you are throwing kids off of health care. And that's the point here, and if this legislature wants to do that, then fine. But the reality is, you're throwing kids off of health care.

Representative Smithee moved to table Amendment No. 6.

A record vote was requested.

The motion to table prevailed by (Record 711): 79 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Davis, J.; Dawson; Delisi; Denny; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Hamric; Harper-Brown; Hartnett; Hegar; Hill; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laubenberg; Madden; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Alonzo; Burnam; Canales; Castro; Chavez; Coleman; Cook, R.; Deshotel; Dunnam; Dutton; Ellis; Escobar; Farabee; Farrar; Gallego; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hochberg; Hodge; Homer; Hopson; Jones, J.; Laney; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.;

Moreno, P.; Naishtat; Oliveira; Olivo; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker; McCall(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Capelo; Davis, Y.; Dukes; Edwards; Flores; Hardcastle; Luna; Marchant; Noriega; Peña.

### **REMARKS ORDERED PRINTED**

Representative Naishtat moved to print remarks between Representative Coleman and Representative Wohlgemuth.

The motion prevailed without objection.

### **Amendment No. 5 - Vote Reconsidered**

Representative Geren moved to reconsider the vote by which Amendment No. 5 was tabled.

The motion to reconsider prevailed.

Amendment No. 5 was adopted without objection.

A record vote was requested.

**CSSB 422**, as amended, was passed to third reading by (Record 712): 80 Yeas, 49 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Gattis; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Hegar; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, E.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Madden; Marchant; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Pickett; Pitts; Reyna; Riddle; Ritter; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Telford; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Capelo; Castro; Coleman; Crabb; Dawson; Dukes; Dunnam; Dutton; Escobar; Farrar; Gallego; Geren; Guillen; Gutierrez; Haggerty; Harper-Brown; Hill; Hodge; Jones, D.; Keel; Keffer, B.; Laney; Laubenberg; Mabry; Martinez Fischer; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Paxton; Peña; Puente; Quintanilla; Raymond; Rodriguez; Rose; Solis; Taylor; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; McCall(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Alonzo; Chavez; Davis, Y.; Ellis; Flores; Hartnett; Jones, J.; Luna; Phillips; Wilson.

### STATEMENTS OF VOTE

When Record No. 712 was taken, I was in the house but away from my desk. I would have voted no.

Chavez

I was shown voting yes on Record No. 712. I intended to vote no.

Giddings

When Record No. 712 was taken, I was in the house but away from my desk. I would have voted yes.

Hartnett

### CSSB 1704 ON SECOND READING (Phillips and Edwards - House Sponsors)

**CSSB 1704**, A bill to be entitled An Act relating to the registration of certain vehicles and the issuance of specially designed license plates by the Texas Department of Transportation; providing penalties.

**CSSB 1704** was read second time on May 24 and was postponed until 2 p.m. today.

#### Amendment No. 1

Representative Phillips offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** in SECTION 1 of the bill, in added Section 504.003, Transportation Code (Committee Printing, on page 3, lines 15-22), striking Subsections (b) and (c) and substituting the following:

(b) The fee for a single souvenir license plate is \$20. The fee shall be deposited to the credit of the state highway fund.

(c) If the souvenir license plate is personalized, the fee for the plate is \$40.  
Of the fee:

(1) \$20 shall be deposited to the credit of the state highway fund; and

(2) the remainder shall be deposited to the credit of the general revenue fund.

Amendment No. 1 was adopted without objection.

#### Amendment No. 2

Representative Phillips offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** in SECTION 1 of the bill, in added Section 504.401, Transportation Code (Committee printing, page 16, line 18 through page 17, line 2), by striking Subsection (d) and substituting the following:

(d) In this section, "state official" means:

- (1) a member of the legislature;
- (2) the governor;
- (3) the lieutenant governor;
- (4) a justice of the supreme court;
- (5) a judge of the court of criminal appeals;
- (6) the attorney general;
- (7) the commissioner of the General Land Office;
- (8) the comptroller;
- (9) a member of the Railroad Commission of Texas;
- (10) the commissioner of agriculture;
- (11) the secretary of state; or
- (12) a member of the State Board of Education.

### **Amendment No. 3**

Representative Raymond offered the following amendment to Amendment No. 2:

Amend the Phillips amendment to **CSSB 1704** in Subsection (d), Section 504.401, Transportation Code (page 1, lines 16 and 17), by striking Subdivisions (11) and (12) and substituting the following:

- (11) the secretary of state;
- (12) a member of the State Board of Education; or
- (13) a district attorney.

### **Amendment No. 4**

Representative Gallego offered the following substitute amendment for Amendment No. 3:

Substitute the following for the Raymond Amendment:

Amend the Phillips amendment to **CSSB 1704** in Subsection (d), Section 504.401, Transportation Code (page 1, lines 16 and 17), by striking Subdivisions (11) and (12) and substituting the following:

- (11) the secretary of state;
- (12) a member of the State Board of Education; or
- (13) a district attorney or county attorney with felony jurisdiction;

Amendment No. 4 was adopted without objection.

Amendment No. 3 failed of adoption.

Amendment No. 2 was adopted without objection.

### **Amendment No. 5**

Representative Phillips offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** as follows:

(1) In SECTION 1 of the bill, added Subsection (a), Section 504.403, Transportation Code (Committee printing, on page 17, lines 12 and 13), strike "a current, retired, or visiting" and substitute "a current or visiting".

(2) In SECTION 1 of the bill, added Subsection (a), Section 504.404, Transportation Code (Committee printing, on page 18, line 10), strike "or retired".

(3) In SECTION 1 of the bill, added Subsection (a), Section 504.405, Transportation Code (Committee printing, on page 18, lines 15 and 16), strike "or retired".

(4) Add the following appropriately numbered SECTION to the bill and renumber existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Notwithstanding Subsection (a), Section 504.403, Transportation Code, as added by this Act, a retired state or federal judge who applied for or was issued state judge or federal judge license plates under Section 502.297, Transportation Code, as that law existed before the effective date of this Act, is entitled to apply for and to be issued state judge license plates or federal judge license plates, as applicable, under Section 504.403, Transportation Code, as added by this Act.

Amendment No. 5 was adopted without objection.

#### **Amendment No. 6**

Representative Phillips offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** in SECTION 1 of the bill, in added Subsection (b), Section 504.628, Transportation Code (Committee printing, on page 41, lines 11 and 12), by striking "the Texas Military Preparedness Grant Account in the general revenue fund" and substituting "the Texas mobility fund".

Amendment No. 6 was adopted without objection.

#### **Amendment No. 7**

Representatives Phillips, Capelo, and Uresti offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** in SECTION 1, in proposed Section 504.801, Transportation Code, as follows:

(1) In proposed Subsection (d) (page 58, line 23), between "\$30" and the period, insert "unless the department sets a higher fee".

(2) In proposed Subsection (h) (page 59, lines 15-16), strike "If the sponsor does not name a state agency to receive the funds or if there is no sponsor, the" and substitute "The".

(3) At the end of proposed Subsection (h) (page 59, line 18), insert "If a fee is paid for the trademark license, the fee shall be paid from the amounts specified by Subsection (e)(2)".

#### **Amendment No. 8**

Representative Dunnam offered the following amendment to Amendment No. 7:

Amend **CSSB 1704** in SECTION 1, in proposed Section 504.801, Transportation Code, as follows:



(1) In proposed Subsection (d) (page 58, line 23), between "\$30" and the period, insert "unless the department sets a higher fee".

(2) In proposed Subsection (h) (page 59, lines 15-16), strike "If the sponsor does not name a state agency to receive the funds or if there is no sponsor, the" and substitute "The".

(3) At the end of proposed Subsection (h) (page 59, line 18), insert "If a fee is paid for the trademark license, the fee shall be paid from the amounts specified by Subsection (e)(2)".

(4) On page 59, between lines 21 & 22, add the following:

(i) The sponsor of a new specialty plate may not be a for-profit enterprise.

Amendment No. 8 was adopted without objection.

Amendment No. 7, as amended, was adopted without objection.

### **Amendment No. 9**

Representative Gallego offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** in SECTION 1 of the bill, in added Section 504.003 (d), Transportation Code (House committee printing, page 3, line 14) by adding "for any vehicle, including a motorcycle after the ":" and

On page 3, line 24, between "vehicle" and "and", insert including a motorcycle,".

Amendment No. 9 was adopted without objection.

### **Amendment No. 10**

Representative Uresti offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** in SECTION 1 of the bill, between added Subsections (a) and (b), Section 504.634, Transportation Code (Committee printing, on page 43, between lines 25 and 26), by adding the following:

(a-1) Notwithstanding Section 504.601, the fee for issuance of a license plate under this section is \$50. Of each fee received under this subchapter, the department shall use \$10 to defray its administrative costs in complying with this section.

Amendment No. 10 was withdrawn.

### **Amendment No. 11**

Representative Corte offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** as follows:

(1) In SECTION 1 of the bill, add new Section 504.3135, Transportation Code, to read as follows:

Sec. 504.3135. OPERATION IRAQI FREEDOM. The department shall issue without charge specialty license plates for persons who served in the United States armed forces on or after November 8, 2002, and on or before May 1, 2003. License plates issued under this section must include the words "Operation Iraqi Freedom."

Amendment No. 11 was adopted without objection.

**Amendment No. 12**

Representative Wilson offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** (house committee printing) as follows:

(1) In SECTION 1 of the bill, in added Section 504.639(a), Transportation Code (page 46, line 5), by striking "Austin Music Foundation" and substituting "governor's office".

(2) In SECTION 1 of the bill, in added Section 504.639(b), Transportation Code (page 46, line 8), by striking "Austin" and substituting "Texas".

(3) In SECTION 4 of the bill, in added Section 7.026, Education Code (page 68, line 7), by striking "AUSTIN" and substituting "TEXAS".

(4) In SECTION 4 of the bill, in added Section 7.026(a), Education Code (page 68, line 8), by striking "Austin" and substituting "Texas".

(5) In SECTION 4 of the bill, in added Section 7.026(b), Education Code (page 68, lines 16-18), by striking the language beginning with "the educational" and ending with "Affiliates Program" and substituting "music-related educational and community programs sponsored by nonprofit organizations based in this state".

Amendment No. 12 was adopted without objection.

**Amendment No. 13**

Representative Wohlgemuth offered the following amendment to **CSSB 1704**:

Amend **CSSB 1704** by adding the following appropriately numbered SECTION to the bill and renumbering existing SECTIONS accordingly:

SECTION \_\_. (a) Subchapter F, Chapter 502, Transportation Code, is amended by adding Section 502.304 to read as follows:

Sec. 502.304. CHOOSE LIFE LICENSE PLATES. (a) The department shall issue specially designed license plates for passenger cars and light trucks that include the words "Choose Life."

(b) The department shall design the license plates in consultation with the attorney general.

(c) The department shall issue license plates under this section to a person who:

(1) applies to the county assessor-collector of the county in which the person resides on a form provided by the department; and

(2) pays an annual fee of \$30, in addition to the fee prescribed by Section 502.161 and, if personalized prestige license plates are issued, in addition to the fee prescribed by Section 502.251.

(d) Of each fee collected under this section, the department shall credit:

(1) 50 cents from its administrative costs to the county treasurer of the applicable county, who shall credit the money to the general fund of the county to defray costs to the county of administering this section;

(2) \$7.50 to the credit of the state highway fund, that may be appropriated only to the department to defray costs to the department of administering this section; and

(3) \$22 to the credit of the Choose Life account established by Section 402.031, Government Code.

(e) If the owner of a vehicle registered under this section disposes of the vehicle during the registration year, the owner shall return the special license plates to the department.

(f) If a license plate issued under this section is lost, stolen, or mutilated, an application for a replacement plate must be accompanied by the fee prescribed by Section 502.184(a)(2).

(g) The department may not issue a replacement set of personalized license plates under this section to the same person before the sixth anniversary of the date of issuance unless the applicant for issuance of the replacement plates pays an additional fee of \$30.

(h) Section 504.002(6) does not apply to license plates designed and issued under this section.

(b) SECTION 6 of this Act does not apply to Section 502.304, Transportation Code, as added by Subsection (a) of this section.

(c) Subchapter B, Chapter 402, Government Code, is amended by adding Sections 402.031 and 402.032 to read as follows:

Sec. 402.031. CHOOSE LIFE ACCOUNT. (a) The Choose Life account is a separate account in the general revenue fund. The account is composed of:

(1) money deposited to the credit of the account under Section 502.304, Transportation Code; and

(2) gifts, grants, donations, and legislative appropriations.

(b) The attorney general administers the Choose Life account. The attorney general may spend money credited to the account only to:

(1) make grants to an eligible organization; and

(2) defray the cost of administering the account.

(c) The attorney general may not discriminate against an eligible organization because it is a religious or nonreligious organization.

(d) The attorney general may accept gifts, donations, and grants from any source for the benefit of the account.

(e) The attorney general by rule shall establish:

(1) guidelines for the expenditure of money credited to the Choose Life account; and

(2) reporting and other mechanisms necessary to ensure that the money is spent in accordance with this section.

(f) Of any money received by an eligible organization under this section, at least 50 percent must be spent to provide for the material needs of pregnant women who are considering placing their children for adoption, including the provision of clothing, housing, prenatal care, food, utilities, and transportation, and to provide for the needs of infants who are awaiting placement with adoptive parents. The remainder may be used to provide counseling, training, and pregnancy testing, but may not be used to pay an administrative, legal, or capital expense.

(g) In this section, "eligible organization" means an organization in this state that:

(1) qualifies as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1986, as amended;

(2) provides counseling and material assistance to pregnant women who are considering placing their children for adoption;

(3) does not charge for services provided;

(4) does not provide abortions or abortion-related services or make referrals to abortion providers; and

(5) is not affiliated with an organization that provides abortions or abortion-related services or makes referrals to abortion providers.

Sec. 402.032. CHOOSE LIFE ADVISORY COMMITTEE. (a) The attorney general shall appoint a seven-member Choose Life advisory committee.

(b) The committee shall:

(1) meet at least twice a year or as called by the attorney general;

(2) assist the attorney general in developing rules under Section 402.031(e); and

(3) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Choose Life account.

(c) Members of the committee serve without compensation and are not entitled to reimbursement for expenses. Each member serves a term of four years, with the terms of three or four members expiring on January 31 of each odd-numbered year.

#### **Amendment No. 14**

Representative Villarreal offered the following amendment to Amendment No. 13:

Amend the Wohlgemuth amendment to **CSSB 1704** as follows:

(1) On page 1, line 6, strike "CHOOSE LIFE" and substitute "ADOPT-A-CHILD".

(2) On page 1, lines 8 and 9, strike "Choose Life" and substitute "Adopt-a-Child".

(3) On page 1, line 11, strike "attorney general" and substitute "Texas Department of Protective and Regulatory Services".

(4) On page 2, line 1, strike "Choose Life account" and substitute "adopt-a-child account".

(5) On page 2, line 20, strike "CHOOSE LIFE" and substitute "ADOPT-A-CHILD".

(6) On page 2, line 20, strike "Choose Life" and substitute "adopt-a-child".

(7) On page 2, strike lines 27 and 28, and substitute the following:

(b) The Texas Department of Protective and Regulatory Services administers the adopt-a-child account. That department may spend money credited to the".

(8) On page 3, line 1, strike "attorney general" and substitute "Texas Department of Protective and Regulatory Services".

(9) On page 3, line 4, strike "attorney general" and substitute "Texas Department of Protective and Regulatory Services".

(10) On page 3, line 6, strike "attorney general" and substitute "Texas Department of Protective and Regulatory Services".

(11) On page 3, line 8, strike "Choose Life account" and substitute "adopt-a-child account".

(12) On page 3, line 11 through page 4, line 1, strike proposed Subsections (f) and (g) and substitute the following:

(f) In this section "eligible organization" means the Texas Adoption Resource Exchange, a division of the Texas Department of Protective and Regulatory Services, that matches children with special needs with adoptive and foster care families.

(13) On page 4, lines 2-16, strike proposed Section 402.032, Government Code, and substitute the following:

Sec. 403.032. ADOPT-A-CHILD ADVISORY COMMITTEE. (a) The Texas Department of Protective and Regulatory Services shall establish an advisory committee in accordance with Chapter 2110.

(b) The advisory committee shall:

(1) assist the Texas Department of Protective and Regulatory Services in developing rules under Section 403.031; and

(2) review and make recommendations to the Texas Department of Protective and Regulatory Services on applications submitted to that department for grants funded with money in the adopt-a-child account under that section.

Representative Wohlgemuth moved to table Amendment No. 14.

A record vote was requested.

The motion to table prevailed by (Record 713): 96 Yeas, 33 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Ellis; Farabee; Flynn; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Madden; Marchant; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pickett; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Capelo; Coleman; Dukes; Dunnam; Dutton; Escobar; Farrar; Gallego; Giddings; Hochberg; Hodge; Jones, J.; Mabry; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Uresti; Villarreal; Wise; Wolens.

Present, not voting — Mr. Speaker; McCall(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Alonzo; Castro; Crownover; Davis, Y.; Flores; Guillen; Luna; Martinez Fischer; Quintanilla; Wilson.

### STATEMENTS OF VOTE

When Record No. 713 was taken, I was in the house but away from my desk. I would have voted no.

Castro

When Record No. 713 was taken, my vote failed to register. I would have voted no.

Guillen

When Record No. 713 was taken, I was in the house but away from my desk. I would have voted yes.

Quintanilla

### Amendment No. 15

Representatives Thompson and Villarreal offered the following amendment to Amendment No. 13:

Amend the Wohlgemuth amendment to **CSSB 1704** (house committee report) as follows:

(1) In the heading to added Section 502.304, Transportation Code, strike "CHOOSE LIFE" and substitute "CHOOSE LIFE OR CHOOSE CHOICE".

(2) In added Section 502.304, Transportation Code, strike Subsection (a) and substitute the following:

(a) The department shall issue for passenger cars and light trucks specially designed license plates that include the words "Choose Life" and specially designed license plates that include the words "Choose Choice."

(3) Throughout the remainder of the amendment, strike "Choose Life" and substitute "Choose Life or Choose Choice".

(Speaker in the chair)

Representative Wohlgemuth moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 714): 83 Yeas, 46 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Denny; Driver; Edwards; Eissler; Elkins; Flynn; Gattis; Goolsby; Griggs; Grusendorf; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Krusee;

Kuempel; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Olivo; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Capelo; Castro; Chavez; Coleman; Deshotel; Dukes; Dunnam; Dutton; Ellis; Escobar; Farabee; Farrar; Gallego; Giddings; Guillen; Gutierrez; Haggerty; Hochberg; Hodge; Jones, E.; Jones, J.; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Peña; Pickett; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Telford; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Alonzo; Crownover; Davis, Y.; Delisi; Flores; Geren; Goodman; Hopson; Laney; Luna; Quintanilla.

#### **Amendment No. 16**

Representative Dukes offered the following amendment to Amendment No. 13:

Amend the Wohlgemuth amendment to **CSSB 1704** as follows:

(3) On page 3, strike lines 20-21 and substitute "(g) In this section, "eligible organization" means the Texas Adoption Resource Exchange, a division of the Texas Department of Protective and Regulatory Services which matches children with special needs with adoptive and foster care families."

(4) On page \_\_, strike lines \_\_ and substitute "Sec. 402.032. ADOPT-A-CHILD ADVISORY COMMITTEE. (a) The attorney general shall establish an advisory committee in accordance with Chapter 2110, Government Code.

(b) The committee shall:

(1) assist the attorney general in developing rules under Section 402.031(d); and

(2) review and make recommendations to the attorney general on applications submitted to the attorney general for grants funded with money credited to the Adopt-A-Child account."

Section 3. This Act takes effect September 1, 2003.

Representative Wohlgemuth moved to table Amendment No. 16.

A record vote was requested.

The motion to table prevailed by (Record 715): 91 Yeas, 40 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler;

Elkins; Ellis; Farabee; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Paxton; Phillips; Pickett; Pitts; Quintanilla; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Burnam; Canales; Castro; Chavez; Coleman; Dukes; Dunnam; Dutton; Escobar; Farrar; Gallego; Geren; Giddings; Guillen; Gutierrez; Hochberg; Hodge; Jones, J.; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Puente; Raymond; Ritter; Rodriguez; Rose; Solis; Thompson; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Alonzo; Capelo; Corte; Crownover; Davis, Y.; Flores; Krusee; Luna; Nixon.

#### **Amendment No. 17**

Representative Dukes offered the following amendment to Amendment No. 13:

Amend the Wohlgemuth amendment on **CSSB 1704** on page 5 line 1 by striking the "." and insert "; (6) is a licensed child placing agency, licensed under Chapter 42, Human Resources Code.".

Representative Wohlgemuth moved to table Amendment No. 17.

A record vote was requested.

The motion to table prevailed by (Record 716): 89 Yeas, 41 Nays, 1 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Campbell; Casteel; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Davis, J.; Dawson; Delisi; Denny; Deshotel; Driver; Edwards; Eissler; Elkins; Farabee; Flynn; Gattis; Goodman; Goolsby; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keel; Keffer, B.; Keffer, J.; King; Kolkhorst; Kuempel; Laney; Laubenberg; Madden; Marchant; McCall; McReynolds; Mercer; Merritt; Miller; Morrison; Mowery; Nixon; Paxton; Phillips; Pitts; Reyna; Riddle; Seaman; Smith, W.; Smithee; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Van Arsdale; West; Wohlgemuth; Wong; Woolley; Zedler.



Nays — Burnam; Canales; Castro; Chavez; Coleman; Dukes; Dunnam; Dutton; Ellis; Escobar; Farrar; Gallego; Geren; Giddings; Gutierrez; Hochberg; Hodge; Hopson; Jones, J.; Mabry; Martinez Fischer; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Solis; Uresti; Villarreal; Wilson; Wise; Wolens.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Alonzo; Capelo; Crownover; Davis, Y.; Flores; Guillen; Krusee; Luna; Puente; Thompson.

### STATEMENT OF VOTE

When Record No. 716 was taken, my vote failed to register. I would have voted no.

Guillen

### CSSB 1704 - POINT OF ORDER

Representative Villarreal raised a point of order against further consideration of **CSSB 1704** under Rule 4, Section 11(b) of the House Rules on the grounds that proper notice of the committee meeting was not given.

The speaker sustained the point of order, speaking as follows:

Mr. Villarreal raises a point of order under Rule 4, Section 11(b), in that the committee failed to give two hours notice of a formal meeting at which the bill was considered.

A review of the minutes and the record of notice, in this case an e-mail, confirms that notice to the committee members individually was not timely.

Accordingly, the point of order is well taken and sustained.

The ruling precluded further consideration of **CSSB 1704**.

### MAJOR STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

### SB 264 ON THIRD READING (Callegari, Talton, Edwards, and Wong - House Sponsors)

**SB 264**, A bill to be entitled An Act relating to the continuation and functions of the Texas Department of Housing and Community Affairs.

**SB 264** was passed.

**SB 284 ON THIRD READING**  
**(Callegari, Talton, Edwards, and Wong - House Sponsors)**

**SB 284**, A bill to be entitled An Act relating to the continuation and functions of the Texas State Affordable Housing Corporation.

**SB 284** was passed.

**MAJOR STATE CALENDAR**  
**SENATE BILLS**  
**SECOND READING**

The following bills were laid before the house and read second time:

**CSSB 265 ON SECOND READING**  
**(Grusendorf - House Sponsor)**

**CSSB 265**, A bill to be entitled An Act relating to continuation and functions of the State Board for Educator Certification.

Representative Grusendorf moved to postpone consideration of **CSSB 265** until 10 a.m. tomorrow.

The motion prevailed without objection.

**CSSB 266 ON SECOND READING**  
**(Gallego and Hartnett - House Sponsors)**

**CSSB 266**, A bill to be entitled An Act relating to the continuation and functions of the Board of Law Examiners.

**Amendment No. 1**

Representatives Hartnett and Gallego offered the following amendment to **CSSB 266**:

Amend **CSSB 266** by striking lines 10-11 on page 14, and inserting the following:

SECTION 13. Sections 82.025, 82.031 and 82.032, Government Code, are repealed.

Amendment No. 1 was withdrawn.

**Amendment No. 2**

Representatives Gallego and Hartnett offered the following amendment to **CSSB 266**:

Amend **CSSB 266** in Section 13 of the bill (House committee printing, page 14, line 10), between "Sections" and "82.031" by inserting "82.025,".

**Amendment No. 3**

Representative Hill offered the following amendment to Amendment No. 2:

Amend Amendment No. 2 by Hartnett to **CSSB 266** by striking the text of the amendment and substituting the following:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 82.025, Government Code, is amended to read as follows:

Sec. 82.025. EXEMPTION FOR LEGISLATIVE SERVICE. (a) Membership in the legislature for 12 consecutive years and a bachelor's degree or its equivalent [~~The following legislative service or service and education~~] may be substituted for the prelegal study and training and study of the law required of candidates for the examination for a license to practice law[~~:~~

~~[(1) membership in the legislature for 12 consecutive years;~~

~~[(2) membership in the legislature for eight consecutive years and a bachelor's degree or its equivalent;~~

~~[(3) membership in the legislature for four consecutive years, a bachelor's degree or its equivalent, and adequate study of the law for at least two years at an approved law school; or~~

~~[(4) service in both houses of the legislature and a master's degree or its equivalent].~~

(b) A person applying for an exemption under this section must meet the requirements of Subsection (a) before applying to take the examination.

(c) A person applying for an exemption under this section has given sufficient notice if the person gives to the clerk of the supreme court 30 days' notice of intention to take the examination.

(d) This section does not affect the supreme court requirements relating to moral character.

~~[(e) This section applies only to persons who were members of the legislature before the 64th Legislature, Regular Session, convened in January 1975.]~~

(Smithee in the chair)

Representative Hartnett moved to table Amendment No. 3.

A record vote was requested.

The motion to table was lost by (Record 717): 50 Yeas, 69 Nays, 11 Present, not voting.

Yeas — Alonzo; Baxter; Branch; Brown, B.; Brown, F.; Canales; Capelo; Casteel; Castro; Cook, B.; Cook, R.; Crabb; Crownover; Deshotel; Dunnam; Dutton; Elkins; Ellis; Escobar; Farabee; Gallego; Griggs; Grusendorf; Hartnett; Hegar; Homer; Hopson; Hunter; Kuempel; Mabry; Marchant; Martinez Fischer; McCall; McReynolds; Merritt; Moreno, P.; Nixon; Peña; Pickett; Puente; Reyna; Ritter; Rose; Solis; Solomons; Talton; Telford; Uresti; Villarreal; Wise.

Nays — Allen; Berman; Bohac; Bonnen; Callegari; Campbell; Chavez; Christian; Corte; Davis, J.; Dawson; Delisi; Denny; Dukes; Edwards; Eissler; Farrar; Flynn; Geren; Giddings; Goolsby; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hill; Hodge; Howard; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Keffer, J.; Kolkhorst; Laney; Laubenberg; Madden; Menendez; Mercer; Miller; Moreno, J.; Morrison;

Mowery; Naishtat; Olivo; Paxton; Phillips; Pitts; Quintanilla; Raymond; Riddle; Seaman; Smith, W.; Swinford; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; Gattis; Goodman; Hochberg; Hope; Hughes; King; Noriega; Smithee(C); Stick; Thompson.

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Lewis; McClendon; Smith, T.; Turner.

Absent, Excused, Committee Meeting — Heflin.

Absent — Burnam; Chisum; Coleman; Davis, Y.; Driver; Flores; Krusee; Luna; Oliveira; Rodriguez; Wolens.

### **STATEMENT OF VOTE**

I was shown voting no on Record No. 717. I intended to vote yes.

Riddle

### **LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Krusee on motion of Corte.

The following member was granted leave of absence for the remainder of today to attend a meeting of the conference committee on **HB 1**:

Pitts on motion of Solomons.

The following member was granted leave of absence for the remainder of today because of family business:

Wolens on motion of Solomons.

### **CSSB 266 - (consideration continued)**

A record vote was requested.

The vote of the house was taken on the adoption of Amendment No. 3 and the vote was announced yeas 61, nays 56.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 718): 50 Yeas, 56 Nays, 11 Present, not voting.

Yeas — Allen; Berman; Bohac; Callegari; Chavez; Chisum; Christian; Corte; Davis, J.; Delisi; Denny; Deshotel; Dukes; Edwards; Eissler; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Harper-Brown; Hegar; Hill; Howard; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keffer, B.; Laney; Laubenberg; Madden; Mercer; Morrison; Quintanilla; Seaman; Smith, W.; Swinford; Taylor; Truitt; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Branch; Brown, B.; Brown, F.; Canales; Capelo; Casteel; Castro; Cook, B.; Cook, R.; Crabb; Crownover; Dunnam; Elkins; Ellis; Escobar; Farabee; Farrar; Gallego; Goodman; Goolsby; Griggs; Grusendorf; Hardcastle; Hartnett; Homer; Hope; Hopson; Hunter; Kolkhorst; Kuempel; Mabry; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Moreno, J.; Moreno, P.; Naishtat; Noriega; Olivo; Pickett; Puente; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Solis; Solomons; Talton; Telford; Thompson; Uresti; Wise.

Present, not voting — Mr. Speaker; Baxter; Gattis; Geren; Hochberg; Hughes; Keel; King; Peña; Smithee(C); Stick.

Absent, Excused — Bailey; Eiland; Garza; Hilderbran; Krusee; Lewis; McClendon; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Heflin; Pitts.

Absent — Alonzo; Bonnen; Burnam; Campbell; Coleman; Davis, Y.; Dawson; Driver; Dutton; Flores; Flynn; Hodge; Keffer, J.; Luna; Merritt; Miller; Mowery; Nixon; Oliveira; Paxton; Phillips.

The chair stated that Amendment No. 3 failed of adoption by the above vote.

#### **COMMITTEE GRANTED PERMISSION TO MEET**

Representative Woolley requested permission for the Committee on Calendars to meet while the house is in session.

Permission to meet was granted without objection.

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 8:25 p.m. today, speakers committee room, for a formal meeting.

#### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for the remainder of today because of important business:

Campbell on motion of Baxter.

Merritt on motion of Elkins.

The following member was granted leave of absence temporarily for today because of family business in the district:

Bonnen on motion of Solomons.

The following members were granted leaves of absence for the remainder of today because of important business in the district:

Alonzo on motion of Thompson.

Burnam on motion of Rodriguez.

Y. Davis on motion of Thompson.

Dawson on motion of Laubenberg.

Dutton on motion of Uresti.

Flynn on motion of Berman.

Hodge on motion of McReynolds.

J. Keffer on motion of B. Keffer.

Miller on motion of Callegari.

Mowery on motion of Hamric.

Paxton on motion of Laubenberg.

Phillips on motion of Hamric.

The following member was granted leave of absence for the remainder of today because of illness in the family:

Nixon on motion of Thompson.

**CSSB 266 - (consideration continued)**

Amendment No. 2 was adopted without objection.

**CSSB 266**, as amended, was passed to third reading. (The vote was reconsidered later today, and **CSSB 266**, as amended, was passed on Monday, May 26)

**CSSB 286 ON SECOND READING**  
**(Morrison and Gallego - House Sponsors)**

**CSSB 286**, A bill to be entitled An Act relating to the continuation and functions of the Texas Higher Education Coordinating Board.

**Amendment No. 1**

Representative Morrison offered the following amendment to **CSSB 286**:

Amend **CSSB 286** as follows:

1. On page 42, lines 3 through 25 of the bill, strike Section 45, of the bill and substitute the following:

SECTION 45. To achieve an orderly transition from 18 to 9 positions on the Texas Higher Education Coordinating Board, the Governor on August 31, 2003, or September 1, 2003, shall appoint only three persons to the coordinating board for terms expiring on August 31, 2009. On, or as soon as possible after, August 31, 2005, the Governor shall appoint only four members to the coordinating board for terms expiring on August 31, 2011. On, or as soon as possible after, August 31, 2007, the Governor shall appoint only two members to the coordinating board for terms expiring on August 31, 2013. As terms on the coordinating board expire on and after August 31, 2009, the Governor shall appoint three members to the coordinating board in accordance with Section 61.022, Education Code, as amended by this Act.

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Farabee offered the following amendment to **CSSB 286**:

Amend **CSSB 286** by adding the following appropriately numbered SECTION and renumbering the other SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . Section 61.313, Education Code, is amended by amending Subsection (e) and adding Subsections (f) and (g) to read as follows:

(e) This section does not apply to a person who on September 1, 1997, used the term "college" or "university" in the official name or title of a private postsecondary educational institution that was established before September 1, 1975. A person covered by this subsection is not required to remove the term "college" or "university" from the name or title of the institution established before September 1, 1975.

(f) A person covered by Subsection (e) ~~[this subsection]~~ may use the term "college" in the official name or title of another private postsecondary educational institution in this state if:

(1) the person's business name on September 1, 1995, included the term "college"; and

(2) the other institution offers the same or similar educational programs and is located in the same county as the institution established before September 1, 1975.

(g) A person covered by Subsection (e) may use the term "college" in the official name or title of another private postsecondary educational institution in this state if:

(1) the person operated at least four private postsecondary educational institutions in this state on September 1, 1985, for which the person was permitted to use the term "college" in the official name or title; and

(2) the other institution offers the same or similar educational programs as the institutions described by Subdivision (1) and has enrolled students in educational programs continuously since before September 1, 1995.

Amendment No. 2 was adopted without objection.

### **Amendment No. 3**

Representative West offered the following amendment to **CSSB 286**:

Amend **CSSB 286** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_ . The heading to Subchapter N, Chapter 51, Education Code, is amended to read as follows:

SUBCHAPTER N. PARTNERSHIPS BETWEEN COMMUNITY/JUNIOR COLLEGES AND OTHER INSTITUTIONS OF HIGHER EDUCATION  
[UPPER LEVEL UNIVERSITIES OR CENTERS]

SECTION \_\_\_\_ . Section 51.661, Education Code, is amended to read as follows:

Sec. 51.661. PURPOSE. The purpose of this subchapter is to encourage partnerships between public community/junior colleges and other institutions of higher education that ~~[upper level universities or centers which]~~ are located in the

same state uniform service region as adopted by the Texas Higher Education Coordinating Board in order to improve the continuity, quality, and efficiency of educational programs and services.

SECTION \_\_\_\_\_. Subchapter N, Chapter 51, Education Code, is amended by adding Section 51.6615 to read as follows:

Sec. 51.6615. DEFINITION. In this section, "institution of higher education" has the meaning assigned by Section 61.003.

SECTION \_\_\_\_\_. Section 51.662, Education Code, is amended to read as follows:

Sec. 51.662. PARTNERSHIP AGREEMENTS. With the approval of the Texas Higher Education Coordinating Board, the governing boards of a public community/junior college and another institution of higher education that ~~an upper-level university or center which~~ are located in the same state uniform service region as adopted by the coordinating board may enter into a partnership agreement designed to coordinate the management and operations of the institutions. The agreements shall in no way abrogate the powers and duties of the boards with regard to the governance of their respective institutions.

SECTION \_\_\_\_\_. Section 51.666, Education Code, is amended to read as follows:

Sec. 51.666. FACILITIES. A participating institution of higher education ~~[upper level university or center]~~ may lease facilities from or to the community/junior college for administrative and instructional purposes. Community/junior college facilities may not be transferred to the other participating institution of higher education ~~[university or center]~~ and may not be included in the space inventory of the other participating institution of higher education ~~[university or center]~~ for formula funding purposes.

SECTION \_\_\_\_\_. Section 51.667, Education Code, is amended to read as follows:

Sec. 51.667. STATE FUNDING. The community/junior college shall receive state appropriations on the same formula basis as other community/junior colleges, and the other participating institution of higher education ~~[university or center]~~ shall receive state appropriations on the same formula basis as other similar institutions of higher education ~~[upper level senior colleges and universities]~~.

SECTION \_\_\_\_\_. Section 51.668, Education Code, is amended to read as follows:

Sec. 51.668. CONTINUING RESPONSIBILITIES. A participating community/junior college must continue to provide programs and services enumerated in Section 130.003(e) ~~[Subsection (e) of Section 130.003 of this code]~~. The role ~~[rule]~~ and scope of the other participating institution of higher education ~~[university or center]~~ are subject to approval by the coordinating board.

Amendment No. 3 was adopted without objection.

#### **Amendment No. 4**

Representative Delisi offered the following amendment to **CSSB 286**:



Amend **CSSB 286** (house committee report) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill as follows:

SECTION \_\_\_\_\_. (a) The purpose of this section is to provide for assessment of the readiness of entering college students to:

(1) enroll in freshman-level academic coursework; and

(2) by providing advising and educational support necessary for success in college, assist students who are not yet ready to enroll in that coursework.

(b) Subchapter F, Chapter 51, Education Code, is amended by adding Section 51.3062 to read as follows:

Sec. 51.3062. SUCCESS INITIATIVE. (a) The definitions provided by Section 61.003 apply to this section.

(b) An institution of higher education shall assess the academic skills of each entering undergraduate student to determine the student's readiness to enroll in freshman-level academic coursework. An institution may not use the assessment or the results of the assessment as a condition of admission to the institution.

(c) The board shall designate an instrument for use by institutions of higher education in assessing students under this section.

(d) If practical and feasible, not later than September 1, 2005, the board shall designate the exit-level assessment instrument required under Section 39.023 as the primary assessment instrument under this section. This subsection expires September 1, 2006.

(e) As the board considers necessary, the board may designate additional assessment instruments for use by institutions of higher education under this section.

(f) An assessment instrument designated by the board for use under this section must be diagnostic in nature and designed to assess a student's readiness to perform freshman-level academic coursework. The board shall prescribe standards for the assessment instrument or instruments that reflect that student readiness. An institution of higher education may adopt more stringent assessment standards with respect to student readiness.

(g) Each institution of higher education shall establish a program to advise students regarding coursework and other means by which students can develop the academic skills required to successfully complete college-level work.

(h) If a student fails to meet the assessment standards described by Subsection (f), the institution of higher education shall work with the student to develop a plan to assist the student in becoming ready to perform freshman-level academic coursework. The plan must be designed on an individual basis to provide the best opportunity for each student to attain that readiness.

(i) The institution of higher education may refer a student to developmental coursework as considered necessary by the institution to address a student's deficiencies in the student's readiness to perform freshman-level academic coursework, except that the institution may not require enrollment in developmental coursework with respect to a student previously determined by any institution of higher education to have met college-readiness standards.

(j) A student may retake an assessment instrument at any time to determine readiness to perform freshman-level academic coursework.

(k) An institution of higher education shall determine when a student is ready to perform freshman-level academic coursework. The determination may include requiring a student to retake an assessment instrument or other means of evaluating student readiness. The institution must make its determination on an individual basis according to the needs of the student.

(l) The legislature shall appropriate money for approved non-degree-credit developmental courses, except that legislative appropriations may not be used for developmental coursework taken by a student in excess of:

(1) 18 semester credit hours, for a general academic teaching institution;  
and

(2) 27 semester credit hours, for a public junior college, public technical institute, or public state college.

(m) The board may develop formulas to supplement the funding of developmental academic programs by institutions of higher education, including formulas for supplementing the funding of non-course-based programs. The board may develop a performance funding formula by which institutions may receive additional funding for each student who completes the Success Initiative established under this section and then successfully completes college coursework. The legislature may appropriate the money required to provide the additional funding under those formulas.

(n) Each institution of higher education shall report annually to the board on the success of its students and the effectiveness of its Success Initiative.

(o) The board shall evaluate the effectiveness of the Success Initiative on a statewide basis and with respect to each institution of higher education.

(p) A student who has achieved a score set by the board on the Scholastic Assessment Test (SAT) or the American College Test (ACT) is exempt from the requirements of this section. An exemption under this subsection is effective for the five-year period following the date a student takes the test and achieves the standard set by the board.

(q) A student who has achieved a score set by the board on an exit-level assessment instrument required under Section 39.023 is exempt from the requirements of this section. The exemption is effective for the three-year period following the date a student takes the assessment instrument and achieves the standard set by the board. This subsection does not apply during any period for which the board designates the exit-level assessment instrument required under Section 39.023 as the primary assessment instrument under this section, except that the three-year period described by this subsection remains in effect for students who qualify for an exemption under this section before that period.

(r) This section does not apply to:

(1) a student who has graduated with an associate or baccalaureate degree from an institution of higher education;

(2) a student who transfers to an institution of higher education from a private or independent institution of higher education or an accredited out-of-state institution of higher education and who has satisfactorily completed college-level coursework;

(3) a student who is enrolled in a certificate program of one year or less at a public junior college, a public technical institute, or a public state college; or

(4) a student who is serving on active duty as a member of the Armed Forces of the United States.

(s) An institution of higher education may exempt a non-degree-seeking or non-certificate-seeking student from the requirements of this section.

(c) Sections 51.306 and 51.3061, Education Code, are repealed.

(d) The Texas Higher Education Coordinating Board shall adopt rules for the administration of Section 51.3062, Education Code, as added by this Act, as soon as practicable after this Act takes effect. For that purpose, the board may adopt the initial rules in the manner provided by law for emergency rules.

Amendment No. 4 was adopted without objection.

#### **Amendment No. 4 - Vote Reconsidered**

Representative Delisi moved to reconsider the vote by which Amendment No. 4 was adopted.

The motion to reconsider prevailed.

#### **Amendment No. 5**

Representative Delisi offered the following amendment to Amendment No. 4:

Amend Amendment No. 4 by Delisi to **CSSB 286** as follows:

(1) In SECTION 1 of the amendment add the following new Subsection and renumber the subsequent Subsections appropriately:

\_\_\_ The Board, by rule, shall provide for each institution to inform students about the Success Initiative, including the institution's responsibilities and the students' options and responsibilities.

Amendment No. 5 was adopted without objection.

Amendment No. 4, as amended, was adopted without objection.

(Speaker in the chair)

#### **Amendment No. 6**

Representative Crossover offered the following amendment to **CSSB 286**:

Amend **CSSB 286** (house committee report) by adding the following appropriately numbered SECTION to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter C, Chapter 61, Education Code, is amended by adding Section 61.0816 to read as follows:

Sec. 61.0816. INFORMATION REGARDING HIGHER EDUCATION AUTHORITIES. (a) The board shall collect and make available to the public on request information regarding higher education authorities operating under

Chapter 53 and nonprofit corporations carrying out the functions of higher education authorities under Chapter 53. For each authority or corporation, the information must include:

(1) total amount and type of outstanding bonds issued by the authority or corporation;

(2) a description of the programs and activities administered by the authority or corporation; and

(3) with respect to any real property owned by the authority or corporation:

(A) the location and description of the property;

(B) the current or proposed use of the property, including whether the property is under construction or renovation;

(C) the method by which the authority or corporation financed the acquisition, construction, or renovation of the property;

(D) the school, public or private institution of higher education, or other educational institution for which the property is being used or proposed to be used;

(E) whether the property is exempt from ad valorem taxes; and

(F) the appraised value of the property.

(b) A higher education authority or nonprofit corporation described by this section shall provide the board the relevant information the board requests at the time and in the manner the board prescribes.

Amendment No. 6 was adopted without objection.

**CSSB 286**, as amended, was passed to third reading.

### **CSSB 1771 ON SECOND READING**

**(J. Keffer - House Sponsor)**

**CSSB 1771**, A bill to be entitled An Act relating to economic development programs and funding.

Representative Homer moved to postpone consideration of **CSSB 1771** until 9 a.m. tomorrow.

The motion prevailed without objection.

### **SB 16 ON SECOND READING**

**(Woolley - House Sponsor)**

**SB 16**, A bill to be entitled An Act relating to mentoring services programs for at-risk students in public schools.

#### **Amendment No. 1**

Representative Hochberg offered the following amendment to **SB 16**:

Amend **SB 16** in SECTION 1 of the bill by striking proposed Section 29.089(b), Education Code (House committee report, page 1, lines 10-13), and substituting the following:

(b) The commissioner, in consultation with the governor, lieutenant governor, and speaker of the house of representatives, by rule shall determine accountability standards under this section for a school district providing a mentor services program using funds allocated under Section 42.152.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative Hochberg offered the following amendment to **SB 16**:

Amend **SB 16** in SECTION 1 of the bill in proposed Section 29.089(d), Education Code (House committee report, page 1, line 18), by striking "private" and substituting "non-profit".

Amendment No. 2 was adopted without objection.

**SB 16**, as amended, was passed to third reading. (D. Jones recorded voting no)

### **SB 10 ON SECOND READING (Smithee - House Sponsor)**

**SB 10**, A bill to be entitled An Act relating to the creation of employer health benefit plan groups.

(King in the chair)

#### **Amendment No. 1 (Committee Amendment No. 1)**

On behalf of Representative Gallego, Representative Smithee offered the following committee amendment to **SB 10**:

Amend **SB 10** as follows:

(1) In SECTION 4 of the bill, in added Article 26.14A, Insurance Code, in Subsection (i) (page 5, line 8, engrossed printing), between "any other law," and "a health benefit plan", insert "and except as provided by Subsection (n) of this article,".

(2) In SECTION 4 of the bill, in added Article 26.14A, Insurance Code (page 6, between lines 13 and 14, engrossed printing), insert Subsection (n) to read as follows:

(n) A health benefit plan provided through a health group cooperative must provide coverage for diabetes equipment, supplies, and services as required by Article 21.53G of this code.

Amendment No. 1 was adopted without objection.

#### **Amendment No. 2**

Representative McReynolds offered the following amendment to **SB 10**:

Amend **SB 10** following SECTION 7 of the bill (page 8, between lines 16 and 17) by inserting the following new SECTION, appropriately numbered, and renumbering subsequent SECTIONS of the bill accordingly:

SECTION 8. Section 1(1), Article 21.53G, Insurance Code, is amended to read as follows:

(1) "Diabetes equipment" means:

(A) blood glucose monitors, including noninvasive glucose monitors and monitors designed to be used by blind individuals;

(B) insulin pumps and associated appurtenances;

(C) insulin infusion devices; and

(D) podiatric appliances for the prevention of complications associated with diabetes.

Amendment No. 2 was adopted without objection.

**SB 10**, as amended, was passed to third reading.

### **RULES SUSPENDED**

Representative Keel moved to suspend all necessary rules in order to take up and consider at this time, on third reading and final passage, the bills on the general state third reading calendar and to consider the bills out of order.

The motion prevailed without objection.

### **MOTION FOR ONE RECORD VOTE**

On motion of Representative Capelo and by unanimous consent, the house agreed to use the first record vote taken for all those bills on the general state third reading calendar that require a record vote on third reading and final passage, with the understanding that a member may record an individual vote on any bill with the journal clerk.

### **GENERAL STATE CALENDAR**

#### **SENATE BILLS**

#### **THIRD READING**

The following bills which were considered on second reading on the previous legislative day on the general state calendar were laid before the house, read third time, and passed by the following record vote (members registering votes and the results of the vote are shown following bill number).

(Record 719): 117 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Canales; Capelo; Casteel; Castro; Chavez; Chisum; Christian; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Edwards; Eissler; Elkins; Ellis; Escobar; Farabee; Farrar; Gallego; Gattis; Geren; Giddings; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Hochberg; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Kolkhorst; Kuempel; Laney; Laubenberg; Mabry; Madden; Marchant; Martinez Fischer; McCall; McReynolds; Menendez; Mercer; Moreno, J.; Moreno, P.; Morrison; Naishtat; Noriega; Oliveira; Olivo; Peña; Pickett; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, W.; Smithee;

Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Thompson; Truitt; Uresti; Van Arsdale; Villarreal; West; Wilson; Wise; Wohlgemuth; Wong; Woolley; Zedler.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Alonzo; Bailey; Bonnen; Burnam; Campbell; Davis, Y.; Dawson; Dutton; Eiland; Flynn; Garza; Hilderbran; Hodge; Keffer, J.; Krusee; Lewis; McClendon; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Heflin; Pitts.

Absent — Branch; Flores; Luna.

**SB 658**

**SB 759**

**SB 1015**

**SB 1295**

**SB 1567**

**SB 147**

**SB 162**

**SB 401**

**SB 1517**

**SB 1934**

**SB 443**

**SB 529**

**SB 616**

**SB 801**

**SB 1182**

**SB 1226**

The following bills which were considered on second reading on the previous legislative day on the general state calendar were laid before the house, read third time, and passed by a voice vote (members registering votes are shown following bill number):

**SB 585**

**SB 1394**

**SB 160**

**SB 193**

**SB 669**

**SB 1452**

**SB 1601**

**SB 1646**

**SB 1833**

**SB 45**

**SB 144**

**SB 211**

**SB 333**

**SB 478**

**SB 530**

**SB 566**

**SB 610**

**SB 803**

**SB 840**

**SB 853**

**SB 930**

**SB 939**

**SB 473**

**SB 1059**

**SB 1067**

**SB 1074**

**SB 1744**

**SB 1896**

The following bills were laid before the house and read third time:

**SB 624 ON THIRD READING**

**(Callegari - House Sponsor)**

**SB 624**, A bill to be entitled An Act relating to the provision of parks and recreational facilities by certain conservation and reclamation districts; authorizing the issuance of bonds on voter approval.

**Amendment No. 1**

Representative Geren offered the following amendment to **SB 624**:

Amend **SB 624** (on third reading) to read as follows:

1) Insert the following SECTION and renumber subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 49.226, Water Code, is amended by adding subsection (f) to read as follows:



(f) Notwithstanding any other provision of law, prior to the sale of state land which was originally intended for park and recreational use in a county which has a population of more than one million and two cities with a population greater than 300,000, the land shall first be offered for sale to a district in that county. Upon written refusal from the district of the offer the land may be sold.

2) In the final section of the bill, relating to the newly added SECTION, after the "." add "Section \_\_\_\_ of this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, SECTION 8 of this Act takes effect July 1, 2003."

Amendment No. 1 was adopted without objection. (The vote was reconsidered later today, and Amendment No. 1 was withdrawn)

**SB 624**, as amended, was passed. (The vote was reconsidered later today, and **SB 624** was passed)

### **SB 631 ON THIRD READING** **(Talton - House Sponsor)**

**SB 631**, A bill to be entitled An Act relating to the suspension of sentence and the deferral of adjudication in cases involving certain misdemeanor traffic offenses.

#### **Amendment No. 1**

Representative Talton offered the following amendment to **SB 631**:

Amend **SB 631** on third reading by adding an appropriately numbered SECTION to read as follows:

SECTION \_\_\_\_\_. Notwithstanding any other law, in the event of a conflict between Sections 45.051 or 45.0511, Code of Criminal Procedure, as amended by this Act, and any other act of the 78th Legislature, Regular Session, this Act shall prevail notwithstanding the relative dates of enactment of the conflicting provisions.

Amendment No. 1 was adopted without objection.

**SB 631**, as amended, was passed.

### **SB 826 ON THIRD READING** **(Keel - House Sponsor)**

**SB 826**, A bill to be entitled An Act relating to reporting the deaths of certain individuals; providing a criminal penalty.

#### **Amendment No. 1**

Representatives Keel, Hodge, Talton, Denny, and Ellis offered the following amendment to **SB 826**:

Amend **SB 826**, on third reading, by adding the following appropriately numbered SECTIONS to the bill and by renumbering existing SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Chapter 11, Code of Criminal Procedure, is amended by adding Article 11.65 to read as follows:

Art. 11.65. BOND FOR CERTAIN APPLICANTS. (a) This article applies to an applicant for a writ of habeas corpus seeking relief from the judgment in a criminal case, other than an applicant seeking relief from a judgment imposing a penalty of death.

(b) On making proposed findings of fact and conclusions of law jointly stipulated to by the applicant and the state, or on approving proposed findings of fact and conclusions of law made by an attorney or magistrate appointed by the court to perform that duty and jointly stipulated to by the applicant and the state, the convicting court may order the release of the applicant on bond, subject to conditions imposed by the convicting court, until the applicant is denied relief, remanded to custody, or ordered released.

(c) For the purposes of this chapter, an applicant released on bond under this article remains restrained in his liberty.

(d) Article 44.04(b) does not apply to the release of an applicant on bond under this article.

SECTION \_\_\_\_\_. Article 11.65, Code of Criminal Procedure, as added by this Act, applies to:

(1) any applicant who on or after the effective date of this Act applies for a writ of habeas corpus; and

(2) any applicant whose application for a writ of habeas corpus is pending on the effective date of this Act, regardless of when the application was filed.

Amendment No. 1 was adopted without objection.

**SB 826**, as amended, was passed.

### **SB 900 ON THIRD READING**

**(Eissler - House Sponsor)**

**SB 900**, A bill to be entitled An Act relating to computation and reporting of the ratios of a school district's expenditures and personnel relating to direct student instruction.

**SB 900** was passed.

### **SB 1413 ON THIRD READING**

**(Hardcastle - House Sponsor)**

**SB 1413**, A bill to be entitled An Act relating to certain powers and duties of the Department of Agriculture and other entities engaged in agricultural activities.

#### **Amendment No. 1**

Representative Hardcastle offered the following amendment to **SB 1413**:

Amend **SB 1413**, on third reading, by adding the following appropriately numbered SECTIONS to the bill and renumbering the subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 60.063(c), Agriculture Code, is amended to read as follows:

(c) ~~A [If notice is given at closing, a]~~ purchaser or the purchaser's heirs, successors, or assigns may not maintain any action for damages or maintain any action against the seller, title insurance company, real estate brokers, or lienholder, or any agent, representative, or person acting in their behalf, by reason of the imposition of fees or assessments by the district authorized by this chapter. Notice is not required to be given pursuant to this section ~~[paragraph]~~ unless a certified copy of the order creating the district has been recorded in the real property records in the county in which the land is located and such order contains the legal description of the district. A purchaser, seller, lender, real estate broker, title insurance company, and title insurance agent may conclusively rely on the recorded certified copy of the order.

SECTION \_\_\_\_\_. SECTION \_\_\_\_\_, amending Section 60.063(c), Agriculture Code, takes effect only if **HB 3383**, proposed by the 78th Legislature, Regular Session, 2003, relating to agricultural development districts, is passed and becomes law. If that bill does not become law, this section has no effect.

Representative Hardcastle moved to postpone consideration of **SB 1413** until the end of today's third reading calendar.

The motion prevailed without objection.

### **SB 976 ON THIRD READING (Morrison - House Sponsor)**

**SB 976**, A bill to be entitled An Act relating to high school completion and the creation of a middle college education pilot program.

#### **Amendment No. 1**

Representative Castro offered the following amendment to **SB 976**:

Amend **SB 976**, on third reading, by adding the following appropriately numbered SECTIONS and by renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. Subchapter B, Chapter 7, Education Code, is amended by adding Section 7.027 to read as follows:

Sec. 7.027. POSTSECONDARY EDUCATION SURVEY. (a) The agency shall develop a postsecondary education survey that a public high school may use to monitor the postsecondary education plans of seniors at the high school.

(b) Not later than January 1, 2004, the agency shall post the survey developed under Subsection (a) on the agency's website. As soon as practicable after posting the survey on the website, the agency shall notify each school district that is located in a municipality with a population of at least one million of the availability of the survey.

(c) A counselor at a high school may administer the survey to seniors. The survey must include questions to obtain the following information:

(1) whether the student is planning to apply or has applied for admission to a postsecondary educational institution;

(2) the name of any postsecondary educational institution to which the student is planning to apply or has applied for admission, if applicable;

(3) the name of any postsecondary educational institution to which the student has been accepted for admission, if applicable; and

(4) the name of the postsecondary educational institution to which the student has been accepted for admission and is planning to attend, if applicable.

(d) This section expires August 1, 2006.

SECTION \_\_\_\_\_. The Texas Education Agency shall develop the postsecondary education survey as required by Section 7.027, Education Code, as added by this Act, as soon as practicable after the effective date of this Act.

Amendment No. 1 was adopted without objection.

**SB 976**, as amended, was passed.

**SB 541 ON THIRD READING**  
**(Taylor - House Sponsor)**

**SB 541**, A bill to be entitled An Act relating to authorizing insurers and health maintenance organizations to issue plans that do not include state-mandated health benefits.

**Amendment No. 1**

Representative Coleman offered the following amendment to **SB 541**:

Amend **SB 541** on third reading by striking "and" on page 4, line 1, and adding on page 4, line 8, new subsections (7), (8), and (9) as follows:

"(7) coverage for referral to a non-network physician or provider when medically necessary covered services are not available through network physicians or providers, as required by Article 20A.09(a)(3)(C) of this code (Acts 1997, 75th Leg., ch. 163, §5, Acts 1997, 75th Leg., ch. 837, §4.01, Acts 1997, 75th Leg., ch. 1023, Acts 1997, 75th Leg., ch. 1026, §7);

Amendment No. 1 was adopted without objection.

**Amendment No. 2**

Representative Seaman offered the following amendment to **SB 541**:

Amend **SB 541** on third reading as follows:

(1) In SECTION 1 of the bill, in added Article 3.80, Insurance Code, following Section 4 insert the following section to the article and renumber subsequent sections of the article accordingly:

Sec. \_\_\_\_\_. CERTAIN COVERAGE PROHIBITED. A standard health benefit plan may not provide coverage or benefits for:

(1) medications to treat male erectile dysfunction; or

(2) contraceptive products for males.

(2) In SECTION 2 of the bill, in added Section 9N, Texas Health Maintenance Organization Act, following Subsection (e) of that section, insert the following subsection, appropriately lettered, and reletter subsections and cross-references accordingly:

( ) A standard health benefit plan may not provide coverage or benefits for:

(1) medications to treat male erectile dysfunction; or

(2) contraceptive products for males.

(Bonnen now present)

Amendment No. 2 was withdrawn.

A record vote was requested.

**SB 541**, as amended, was passed by (Record 720): 99 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Baxter; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Canales; Capelo; Casteel; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Delisi; Denny; Deshotel; Edwards; Eissler; Elkins; Ellis; Escobar; Farabee; Gattis; Geren; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hill; Homer; Hope; Hopson; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Jones, J.; Keel; Keffer, B.; Kolkhorst; Kuempel; Laubenberg; Luna; Mabry; Madden; Marchant; McCall; McReynolds; Menendez; Mercer; Moreno, J.; Moreno, P.; Morrison; Peña; Pickett; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Smithee; Solis; Solomons; Stick; Swinford; Talton; Taylor; Telford; Truitt; Uresti; Van Arsdale; Villarreal; West; Wohlgemuth; Wong; Woolley; Zedler.

Nays — Castro; Coleman; Dukes; Farrar; Gallego; Giddings; Hochberg; Martinez Fischer; Naishtat; Noriega; Olivo; Puente; Rodriguez; Wilson.

Present, not voting — Mr. Speaker; King(C).

Absent, Excused — Alonzo; Bailey; Burnam; Campbell; Davis, Y.; Dawson; Dutton; Eiland; Flynn; Garza; Hilderbran; Hodge; Keffer, J.; Krusee; Lewis; McClendon; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Heflin; Pitts.

Absent — Callegari; Driver; Dunnam; Flores; Laney; Oliveira; Thompson; Wise.

### STATEMENT OF VOTE

When Record No. 720 was taken, I was in the house but away from my desk. I would have voted no.

Thompson

### **SB 833 ON THIRD READING** **(Nixon - House Sponsor)**

**SB 833**, A bill to be entitled An Act relating to the application of the Charitable Immunity and Liability Act of 1987 to alumni associations and on-campus organizations.

#### **Amendment No. 1**

Representatives Solis and Escobar offered the following amendment to **SB 833**:

Amend the Solis amendment to **SB 833**, on third reading, on page 1, line 6, between "schools" and "accredited", by inserting "if".

Amendment No. 1 was adopted without objection.

**SB 833**, as amended, was passed.

**SB 1017 ON THIRD READING**  
**(Nixon - House Sponsor)**

**SB 1017**, A bill to be entitled An Act relating to the ability of a county to sue and be sued.

**Amendment No. 1**

Representative Chisum offered the following amendment to **SB 1017**:

Amend **SB 1017** as follows:

(1) On page 1, line 6, strike "A" and substitute "Except as provided in Subsection (c), a".

(2) On page 1 of the King Amendment (Floor Amendment No. 6) adopted on 2nd Reading, strike lines 10 and 11 and substitute the following:

"(c) A person may file a suit for injunctive relief against a county. After the court's ruling on the application for temporary injunctive relief, any portion of the suit that seeks monetary damages shall be abated until the claim is presented to the commissioners court and the commissioners court neglects or refuses to pay all or part of the claim by the 60th day after the date of the presentation of the claim."

(3) On page 1, line 6 of the Nixon Amendment (Floor Amendment No. 1) adopted on 2nd Reading, between "engineering" and "or" insert ", architectural".

(4) On page 1, line 7 of the Nixon Amendment (Floor Amendment No. 1) adopted on 2nd Reading, between "engineering" and "or" insert ", architectural".

(Heflin now present)

Amendment No. 1 was adopted without objection.

**SB 1017**, as amended, was passed.

(Speaker in the chair)

**SB 1272 ON THIRD READING**  
**(Flores - House Sponsor)**

**SB 1272**, A bill to be entitled An Act relating to the permitting process for the construction of certain concrete plants.

Representative Callegari moved to postpone consideration of **SB 1272** until the end of today's third reading calendar.

The motion prevailed without objection.

**SB 624 - VOTE RECONSIDERED**

Representative Geren moved to reconsider the vote by which **SB 624** was passed.

The motion to reconsider prevailed.

**SB 624 ON THIRD READING**  
**(Callegari - House Sponsor)**

**SB 624**, A bill to be entitled An Act relating to the provision of parks and recreational facilities by certain conservation and reclamation districts; authorizing the issuance of bonds on voter approval.

**Amendment No. 1 - Vote Reconsidered**

Representative Geren moved to reconsider the vote by which Amendment No. 1 was adopted.

The motion to reconsider prevailed.

Amendment No. 1 was withdrawn.

**SB 624** was passed.

**POSTPONED BUSINESS**

The following bills were laid before the house as postponed business:

**SB 1413 ON THIRD READING**  
**(Hardcastle - House Sponsor)**

**SB 1413**, A bill to be entitled An Act relating to certain powers and duties of the Department of Agriculture and other entities engaged in agricultural activities.

**SB 1413** was read third time earlier today and was postponed until this time.

Amendment No. 1 was pending at the time of postponement.

Amendment No. 1 was adopted without objection.

A record vote was requested.

**SB 1413**, as amended, was passed by (Record 721): 59 Yeas, 50 Nays, 1 Present, not voting.

Yeas — Allen; Brown, B.; Capelo; Casteel; Chisum; Christian; Cook, R.; Corte; Crownover; Davis, J.; Denny; Deshotel; Driver; Eissler; Escobar; Farabee; Farrar; Gattis; Geren; Griggs; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Heflin; Hegar; Homer; Hope; Hopson; Howard; Hunter; Jones, D.; Keffer, B.; Kolkhorst; Mabry; McReynolds; Moreno, J.; Morrison; Noriega; Olivo; Peña; Puente; Quintanilla; Reyna; Riddle; Ritter; Rose; Seaman; Smith, W.; Solis; Swinford; Talton; Uresti; Van Arsdale; Wohlgenuth; Wong; Woolley; Zedler.

Nays — Berman; Bohac; Bonnen; Branch; Brown, F.; Castro; Chavez; Cook, B.; Crabb; Delisi; Edwards; Elkins; Ellis; Gallego; Giddings; Goodman; Grusendorf; Guillen; Harper-Brown; Hartnett; Hill; Hochberg; Hughes; Hupp; Jones, E.; Keel; King; Kuempel; Laney; Laubenberg; Madden; Marchant; Martinez Fischer; McCall; Menendez; Mercer; Moreno, P.; Naishtat; Pickett; Raymond; Rodriguez; Smithee; Solomons; Stick; Taylor; Telford; Truitt; Villarreal; West; Wilson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Alonzo; Bailey; Burnam; Campbell; Davis, Y.; Dawson; Dutton; Eiland; Flynn; Garza; Hilderbran; Hodge; Keffer, J.; Krusee; Lewis; McClendon; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Pitts.

Absent — Baxter; Callegari; Canales; Coleman; Dukes; Dunnam; Flores; Goolsby; Isett; Jones, J.; Luna; Oliveira; Thompson; Wise.

### STATEMENTS OF VOTE

I was shown voting no on Record No. 721. I intended to vote yes.

B. Cook

I was shown voting no on Record No. 721. I intended to vote yes.

Telford

### REASON FOR VOTE

I am not in favor of having horse meat available for human consumption. Representative Hardcastle requested assistance to use this bill in conference to get the senate to deal with Betty Brown's bill banning sale of horse meat in the U.S. for human consumption.

Casteel

### SB 1272 ON THIRD READING (Flores - House Sponsor)

**SB 1272**, A bill to be entitled An Act relating to the permitting process for the construction of certain concrete plants.

**SB 1272** was read third time earlier today and was postponed until this time.

#### Amendment No. 1

Representative Callegari offered the following amendment to **SB 1272**:

Amend Amendment No. 1 by Callegari to **SB 1272** as follows:

(1) On page 1, line 13 of the amendment, strike the colon.

(2) On page 1, strike lines 14-17 of the amendment and substitute the following:

"an area that is not subject to municipal zoning regulation"

Amendment No. 1 was adopted without objection.

**SB 1272**, as amended, was passed.

### SB 161 ON THIRD READING (Capelo, Truitt, Zedler, Naishtat, Coleman, et al. - House Sponsors)

**SB 161**, A bill to be entitled An Act relating to the regulation and enforcement of certain licensing programs by the Texas Department of Health; providing administrative, civil, and criminal penalties.



**Amendment No. 1**

Representative Isett offered the following amendment to **SB 161**:

Amend **SB 161** on third reading by striking Amendment No. 1 by Capelo.

A record vote was requested.

Amendment No. 1 failed of adoption (not receiving the necessary two-thirds vote) by (Record 722): 73 Yeas, 35 Nays, 2 Present, not voting.

Yeas — Baxter; Berman; Bohac; Branch; Brown, B.; Brown, F.; Callegari; Canales; Castro; Chavez; Chisum; Cook, B.; Cook, R.; Corte; Crabb; Crownover; Davis, J.; Deshotel; Driver; Dukes; Edwards; Eissler; Elkins; Ellis; Gattis; Giddings; Griggs; Grusendorf; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hill; Howard; Hughes; Hunter; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; King; Kolkhorst; Kuempel; Laubenberg; Luna; Madden; Marchant; Martinez Fischer; McCall; Mercer; Naishtat; Noriega; Olivo; Quintanilla; Reyna; Ritter; Rodriguez; Rose; Smith, W.; Smithee; Stick; Swinford; Talton; Taylor; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Zedler.

Nays — Allen; Bonnen; Capelo; Casteel; Delisi; Denny; Escobar; Farabee; Gallego; Geren; Goodman; Guillen; Gutierrez; Hochberg; Homer; Hope; Hopson; Keel; Laney; McReynolds; Menendez; Moreno, P.; Peña; Pickett; Puente; Raymond; Riddle; Seaman; Solis; Solomons; Telford; Truitt; Uresti; Villarreal; Woolley.

Present, not voting — Mr. Speaker(C); Wise.

Absent, Excused — Alonzo; Bailey; Burnam; Campbell; Davis, Y.; Dawson; Dutton; Eiland; Flynn; Garza; Hilderbran; Hodge; Keffer, J.; Krusee; Lewis; McClendon; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Pitts.

Absent — Christian; Coleman; Dunnam; Farrar; Flores; Goolsby; Hartnett; Hegar; Jones, J.; Mabry; Moreno, J.; Morrison; Oliveira; Thompson.

**SB 161** was passed.

**SB 1212 ON THIRD READING**  
**(Kolkhorst - House Sponsor)**

**SB 1212**, A bill to be entitled An Act relating to participation by the attorney general's consumer protection division and the award of civil penalties in an action under the Deceptive Trade Practices-Consumer Protection Act.

**SB 1212** was passed.

**SB 266 - VOTE RECONSIDERED**

Representative Hardcastle moved to reconsider the vote by which **SB 266** was passed to third reading.

The motion to reconsider prevailed.

**SB 266 ON SECOND READING**  
**(Gallego and Hartnett - House Sponsors)**

**SB 266**, A bill to be entitled An Act relating to the continuation and functions of the Board of Law Examiners.

**Amendment No. 2 - Vote Reconsidered**

Representative Hardcastle moved to reconsider the vote by which Amendment No. 2 was adopted.

Representative Hartnett moved to table the motion to reconsider Amendment No. 2.

A record vote was requested.

The vote of the house was taken on the motion to table the motion to reconsider and the vote was announced yeas 49, nays 45, present, not voting 8.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 723): 46 Yeas, 47 Nays, 8 Present, not voting.

Yeas — Baxter; Branch; Brown, B.; Brown, F.; Canales; Capelo; Casteel; Cook, R.; Crabb; Ellis; Farabee; Gallego; Gattis; Goolsby; Hartnett; Hegar; Homer; Hope; Hopson; Hughes; Hunter; Keel; King; Kuempel; Marchant; Martinez Fischer; McCall; McReynolds; Mercer; Moreno, J.; Moreno, P.; Morrison; Naishtat; Olivo; Puente; Riddle; Ritter; Rodriguez; Rose; Smithee; Solis; Solomons; Talton; Telford; Uresti; Zedler.

Nays — Allen; Bohac; Bonnen; Callegari; Castro; Chavez; Chisum; Christian; Coleman; Corte; Davis, J.; Denny; Deshotel; Dukes; Edwards; Eissler; Elkins; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hill; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Laney; Laubenberg; Madden; Seaman; Smith, W.; Swinford; Taylor; Truitt; Van Arsdale; Villarreal; West; Wilson; Wohlgemuth; Wong; Woolley.

Present, not voting — Mr. Speaker(C); Cook, B.; Farrar; Geren; Griggs; Hochberg; Quintanilla; Stick.

Absent, Excused — Alonzo; Bailey; Burnam; Campbell; Davis, Y.; Dawson; Dutton; Eiland; Flynn; Garza; Hilderbran; Hodge; Keffer, J.; Krusee; Lewis; McClendon; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Pitts.

Absent — Berman; Crownover; Delisi; Driver; Dunnam; Escobar; Flores; Goodman; Grusendorf; Howard; Jones, J.; Kolkhorst; Luna; Mabry; Menendez; Noriega; Oliveira; Peña; Pickett; Raymond; Reyna; Thompson; Wise.

The speaker stated that the motion to table failed by the above vote.

**STATEMENT OF VOTE**

When Record No. 723 was taken, I was in the house but away from my desk. I would have voted yes.

Raymond

A record vote was requested.

The roll of those voting yea and nay was called on the motion to reconsider and the vote resulted, as follows (Record 724): 44 Yeas, 48 Nays, 5 Present, not voting.

Yeas — Allen; Baxter; Bonnen; Callegari; Chavez; Chisum; Christian; Corte; Davis, J.; Denny; Deshotel; Dukes; Edwards; Elkins; Giddings; Guillen; Gutierrez; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Heflin; Hill; Hupp; Isett; Jones, D.; Jones, E.; Keffer, B.; Laubenberg; Madden; Mercer; Moreno, J.; Seaman; Smith, W.; Swinford; Taylor; Truitt; Van Arsdale; West; Wilson; Wohlgemuth; Wong; Zedler.

Nays — Branch; Brown, B.; Brown, F.; Canales; Capelo; Casteel; Castro; Cook, B.; Cook, R.; Crabb; Eissler; Ellis; Farabee; Gallego; Gattis; Goodman; Griggs; Grusendorf; Hartnett; Hegar; Hochberg; Homer; Hope; Hopson; Hughes; Hunter; King; Kuempel; Luna; Marchant; Martinez Fischer; McCall; McReynolds; Moreno, P.; Morrison; Naishtat; Olivo; Puente; Riddle; Ritter; Rose; Smithee; Solis; Solomons; Talton; Telford; Uresti; Woolley.

Present, not voting — Mr. Speaker(C); Geren; Menendez; Quintanilla; Stick.

Absent, Excused — Alonzo; Bailey; Burnam; Campbell; Davis, Y.; Dawson; Dutton; Eiland; Flynn; Garza; Hilderbran; Hodge; Keffer, J.; Krusee; Lewis; McClendon; Merritt; Miller; Mowery; Nixon; Paxton; Phillips; Smith, T.; Turner; Wolens.

Absent, Excused, Committee Meeting — Pitts.

Absent — Berman; Bohac; Coleman; Crownover; Delisi; Driver; Dunnam; Escobar; Farrar; Flores; Goolsby; Howard; Jones, J.; Keel; Kolkhorst; Laney; Mabry; Noriega; Oliveira; Peña; Pickett; Raymond; Reyna; Rodriguez; Thompson; Villarreal; Wise.

**STATEMENT OF VOTE**

When Record No. 724 was taken, I was in the house but away from my desk. I would have voted no.

Raymond

The speaker announced that the outcome of the motion to reconsider could not be determined because the above vote revealed that a quorum was not present.

**STATEMENT BY REPRESENTATIVE KEEL**

Important duties with my staff in my office related to pending second reading bills necessitated my temporary, short absence from the floor during the eleventh hour of this legislative day. Representative Wilson submitted a motion to excuse me, but the chair was preoccupied and did not act upon it before adjournment, which occurred just moments later.

Keel

**ADJOURNMENT**

Representative Hamric moved that the house adjourn until 10 a.m. tomorrow in honor of the 55th birthday of doorkeeper Ken Dittlinger.

The motion prevailed without objection.

The house accordingly, at 10:42 p.m., adjourned until 10 a.m. tomorrow.

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**ADDENDUM**

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**SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 46**

**HB 15, HB 156, HB 157, HB 261, HB 284, HB 510, HB 722, HB 729, HB 755, HB 804, HB 845, HB 1024, HB 1152, HB 1197, HB 1208, HB 1537, HB 1704, HB 1849, HB 1886, HB 1948, HB 1985, HB 2116, HB 2402, HB 2493, HB 2668, HB 3248, HB 3366, HCR 82, HCR 255**

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**APPENDIX**

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**STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

**May 24**

Appropriations - **SB 206, SB 1522**

Border and International Affairs - **SB 963, SB 1751, SCR 20**

Corrections - **SB 97**

Defense Affairs and State-Federal Relations - **SB 945**

Economic Development - **SB 770**

Government Reform - **SB 314**

Higher Education - **SB 4**

Insurance - **SB 1192, SB 1347, SB 1618**

Judicial Affairs - **SB 322, SB 325, SB 791, SB 1107, SB 1180, SB 1465, SB 1551, SB 1781, SB 1915, SB 1940**

Land and Resource Management - **SB 1631**

Natural Resources - **SB 1902**

Pensions and Investments - **SB 1243, SB 1318**

Public Education - **SB 13, SB 76, SB 251, SB 617, SB 687, SB 699, SB 741, SB 862, SB 933, SB 1082, SB 1181, SB 1470, SB 1510, SB 1624, SB 1820**

Public Health - **SB 594, SB 788**

State Cultural and Recreational Resources - **SCR 55**

Transportation - **SB 203, SB 204, SB 1463, SB 1782**

Urban Affairs - **SB 562, SB 1955**

Ways and Means - **SB 270, SCR 1**

#### **ENROLLED**

**May 24 - HB 15, HB 261, HB 510, HB 722, HB 729, HB 755, HB 804, HB 845, HB 1024, HB 1152, HB 1208, HB 1537, HB 1765, HB 1831, HB 1849, HB 1886, HB 1948, HB 1985, HB 1989, HB 2058, HB 2116, HB 2158, HB 2361, HB 2402, HB 2493, HB 2546, HB 2922, HB 3248, HCR 82, HCR 248, HCR 255**

#### **SENT TO THE GOVERNOR**

**May 24 - HB 275, HB 296, HB 545, HB 681, HB 874, HB 883, HB 900, HB 980, HB 1174, HB 1199, HB 1264, HB 1307, HB 1366, HB 1439, HB 1471, HB 1536, HB 1666, HB 1937, HB 2093, HB 2348, HB 2351, HB 2384, HB 2679, HB 2682, HB 3149, HB 3377, HB 3386, HB 3477, HB 3542, HCR 52, HCR 71, HCR 128, HCR 149**

